

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 35-05

AN ORDINANCE

approving the Final Plat of Timber Creek, Plat No. 4, a Replat of Lot 2 of Timber Creek, Plat No. 1, a major subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Final Plat of Timber Creek, Plat No. 4, a Replat of Lot 2 of Timber Creek, Plat No. 1, dated December, 2004, a major subdivision located on the west side of Timber Creek Drive, west of Stadium Boulevard (State Route E), containing approximately 5.03 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is hereby authorized to execute a performance contract with Timber Creek Condo Development, LLC in connection with the approval of the Final Plat of Timber Creek, Plat No. 4. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2005.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this _____ day of _____, 20__ between the City of Columbia, MO ("City") and **Timber Creek Condo Development, LLC** ("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of **Timber Creek, Plat 4**, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.

2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider's equitable and proportionate share of construction costs, as determined by such assessments.

3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until all utilities and improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.

4. No occupancy permit shall be issued to Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City's Standard Street Specifications.

5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs and expenses incurred by City in connection with the construction, erection or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys' fees, incurred by City in collecting amounts owed by Subdivider under this paragraph.

6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.

7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

7a. It is to be understood that the subdivider is providing street right-of-way on Lots 8 & 9 of Timber Creek Plat 1 via dedicated easement for the possibility of constructing a street eastward to the adjacent property in the future should the occasion so warrant. The subdivider, as well as his successors and assigns, shall not be responsible for any associated cost related to this future street.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations under this contract or to recover damages resulting from Subdivider's failure to perform its obligations under

this contract.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

IN WITNESS WHEREOF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Raymond A. Beck, City Manager

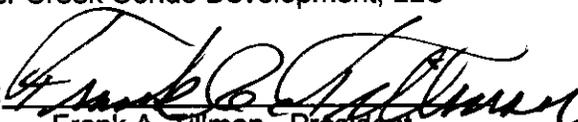
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider: Timber Creek Condo Development, LLC

BY: 
Frank A. Tillman - President

Source

William Watkins



TO: City Council

FROM: City Manager and Staff

DATE: January 24, 2005

RE: Timber Creek Plat No. 4 - A replat of Lot 4 of Timber Creek, located on the west side of Timber Creek Drive, west of Stadium Boulevard (State Route E) containing approximately 5.03 acres (Case 99-SD-04)

EXECUTIVE SUMMARY

Fiscal Impact

YES

NO

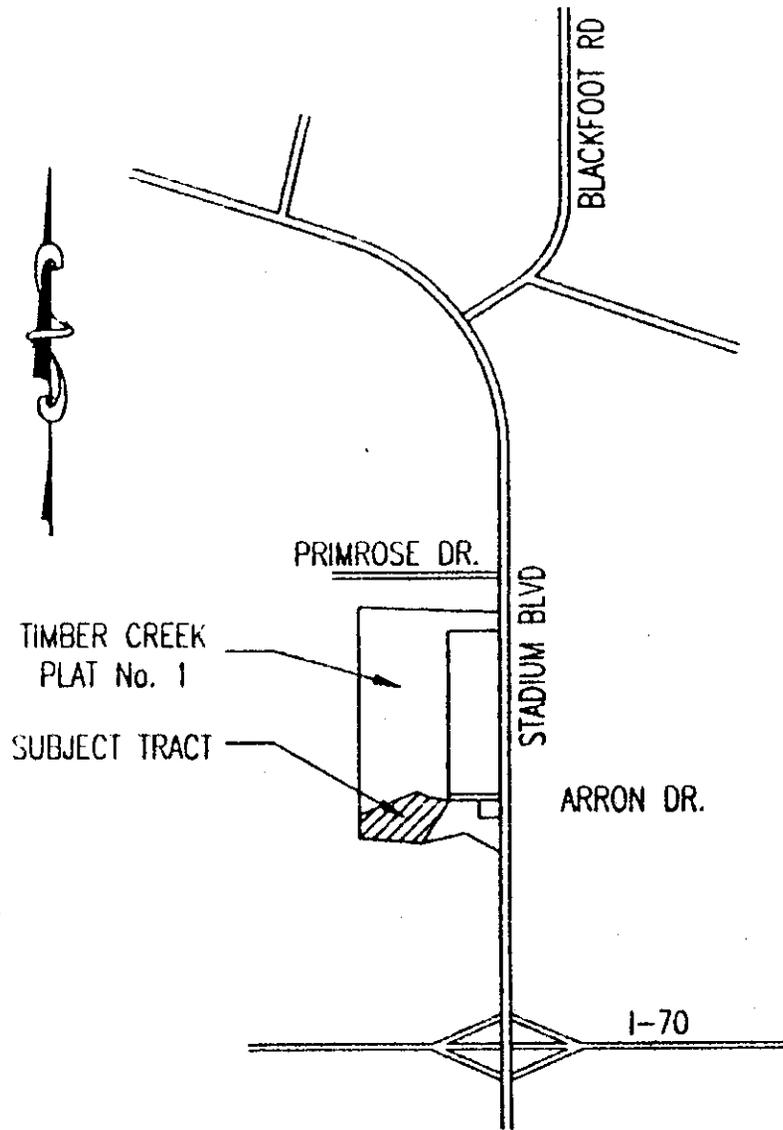
The proposed replat would create individual lots for attached residential dwellings and some common areas. The plat meets all Subdivision Regulation requirements. Planning and Zoning Commission review of the plat is not required.

A locator map and a reduced copy of the plat are attached.

SUGGESTED COUNCIL ACTION

Other Info.

Approval of the proposed replat

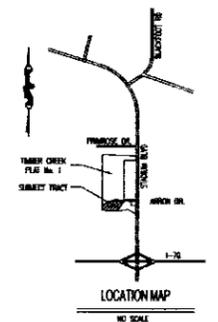


LOCATION MAP

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
BETIE JOHNSON, RECORDER OF DEEDS

FINAL PLAT TIMBER CREEK, PLAT No. 4 A REPLAT OF LOT 2 OF TIMBERCREEK PLAT No. 1

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
DECEMBER, 2004



LOCATION MAP
NO SCALE



- LEGEND:
- ⊙ - FOUND IRON PIPE
 - - SET 1/2" IRON PIPE WITH CAP
 - ⊙ - PERMANENT MONUMENT
 - (R) - RAIL LINE

ROSECLIFF GARDENS
PLAT BOOK 5, PAGE 53

BASE OF BEARING: NORTH SIDE OF LOT 2 OF SCHAULEN ACRES BLOCK IV BEING S 85°10'00" E (REF. PLAT BOOK 18, PAGE 20)

PART OF THIS PLAT LIES WITHIN THE 100 YEAR FLOOD PLAIN ADOPTED BY THE CITY OF COLUMBIA AS SHOWN.

SURVEY CLASSIFICATION IS URBAN

THE EXISTING EASEMENTS ARE AS SHOWN BY FINAL PLAT OF TIMBER CREEK PLAT No. 1 AS RECORDED IN PLAT BOOK 38 AT PAGE 35 OF BOONE COUNTY RECORDS

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS _____ DAY OF _____, 2005.

DARWIN A. HENDMAN - MAYOR

SHEILA AMM - CITY CLERK



DESCRIPTION:
A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING A ALL OF LOT 2 OF TIMBER CREEK PLAT No. 1 AS RECORDED IN PLAT BOOK 38 AT PAGE 35 OF SAID COUNTY RECORDS AND CONTAINING 5.03 ACRES.

CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT WAS SURVEYED AND SUBDIVIDED UNDER MY DIRECTION. I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:
CROCKETT ENGINEERING CONSULTANTS, LLC
2808 NORTH STADIUM BLVD
COLUMBIA, MO 65202
NUMBER: 2000151304

BILL R. CROCKETT - LS 1570
DATE: _____

SUBSCRIBED AND SIGNED BEFORE ME A NOTARY PUBLIC THIS _____ DAY OF _____, 2005.
MY COMMISSION EXPIRES: _____

TIMOTHY CROCKETT - NOTARY PUBLIC

KNOW ALL MEN BY THESE PRESENTS:
THAT TIMBER CREEK CONDO DEVELOPMENT, LLC, A MISSOURI LIMITED LIABILITY COMPANY, IS THE SOLE OWNER OF THE ABOVE REFERENCED TRACT AND THAT SAID COMPANY HAS CAUSED THIS TRACT TO BE RESURVEYED, REBOUNDARIED AND REPLATED AS SHOWN BY THE ADJACENT DRAWING. AN EASEMENT ENCOMPASSING THE ENTIRE AREA OF LOT 2 OF TIMBER CREEK PLAT No. 1, EXCEPTING THEREFROM ALL AREAS CONTAINED WITHIN THE LIMITS OF THE STRUCTURAL FOUNDATION AND PATIOS, IS HEREBY DEDICATED TO THE PUBLIC USE FOR UTILITY AND COMMUNICATIONS SERVICE AND DISTRIBUTION. THE ADJACENT DRAWING AND ABOVE DESCRIPTION SHALL HEREAFTER BE KNOWN AS "TIMBER CREEK PLAT No. 4".

IN WITNESS WHEREOF, TIMBER CREEK CONDO DEVELOPMENT, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT THIS _____ DAY OF _____, 2005.

TIMBER CREEK CONDO DEVELOPMENT, LLC

FRANK A. TILLMAN - PRESIDENT

ON THIS _____ DAY OF _____, 2005 BEFORE ME PERSONALLY APPEARED FRANK A. TILLMAN TO ME KNOWN WHO BY ME DULY SWORN DID SAY THAT HE IS THE PRESIDENT OF TIMBER CREEK CONDO DEVELOPMENT, LLC AND THAT HE FURTHER ACKNOWLEDGED THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID COMPANY.

IN WITNESS WHEREOF, I HAVE HERELINTO SET MY HAND AND SEAL ON THE DAY AND YEAR AFORESAID.
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

TIMBER CREEK No. 3