

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 250-05

AN ORDINANCE

approving the Final Plat of Boone's Pointe, 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 Boone's Pointe, dated May 31, 2005, a major subdivision located southeast of the intersection of State Route K and RA Nursery Road, containing approximately 41.88 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 Robert J. McCosh, Jr. in connection with the approval of the Final Plat of Boone's Pointe. 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 Robert J. McCosh, Jr. ("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 Boone's Pointe, 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 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 the 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 the 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.

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 WHERE OF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Raymond A. Beck, City Manager

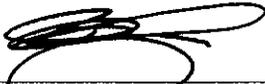
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider

BY: 

Robert J. McCosh, Jr.

Source

Tim Teddy

TO: City Council

FROM: City Manager and Staff *Bob Beut*

DATE: July 8, 2005

RE: Boone's Pointe Final Plat – a final plat of a major subdivision located southeast of the intersection of State Route K and R A Nursery Road, containing approximately 41.88 acres (Case 47-SD-05).

[Handwritten signature]

Fiscal Impact

YES

[Handwritten circle around NO]
NO

Other Info.

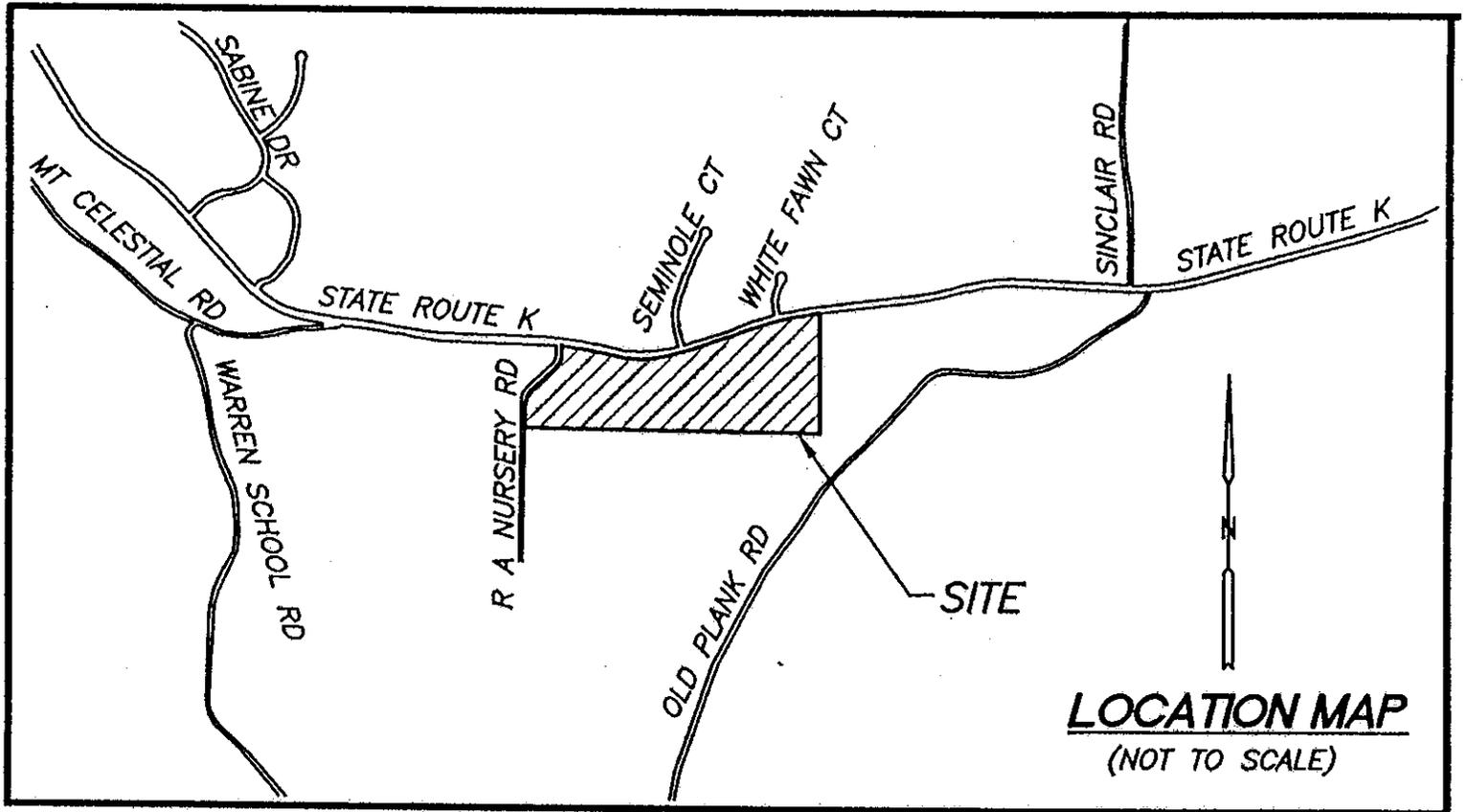
EXECUTIVE SUMMARY

The proposed final plat would create 71 R-1 zoned lots for single-family residential development. The plat meets all Subdivision Regulation requirements and is in conformance with the approved preliminary plat. Planning and Zoning Commission review of the plat is not required.

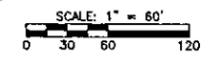
A locator map and a reduced copy of the plat are attached.

SUGGESTED COUNCIL ACTION

Approval of the proposed final plat.



FINAL PLAT
BOONE'S POINTE
 MAY 31, 2005



- LEGEND**
- IRON PIPE (UNLESS NOTED OTHERWISE)
 - EXISTING SET
 - PERMANENT MONUMENT
 - (R) RADIAL LINE
 - (REC.) RECORD MEASUREMENT
 - DRILL HOLE WITH CHISELED "X"
 - ⊕ CENTERLINE
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 2446, PAGE 41.

KNOW ALL MEN BY THESE PRESENTS

ROBERT J. MCCOSH, JR., BEING SOLE OWNER OF THE DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, ROBERT J. MCCOSH, JR. HAS CAUSED THESE PRESENTS TO BE SIGNED.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE, FOREVER.

EAGLE VIEW COURT, TIMBER RUN DRIVE, BOONE'S CROSSING DRIVE AND THE ADDITIONAL RIGHT-OF-WAY FOR STATE ROUTE K ARE HEREBY DEDICATED FOR PUBLIC USE FOREVER.

ROBERT J. MCCOSH, JR.
 STATE OF MISSOURI }
 COUNTY OF BOONE } SS

ON THIS 20TH DAY OF JUNE, IN THE YEAR 2005, BEFORE ME, MARLA E. OGLESBY, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ROBERT J. MCCOSH, JR., KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN FINAL PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

Marla E. Oglesby
 NOTARY PUBLIC
 COMMISSION NO. 044007428
 MY COMMISSION EXPIRES JANUARY 10, 2008

CURVE DATA				
	Δ	R	L	Δ T
A	38°31'20"	125.00'	84.04'	43.88'
B	14°33'40"	2000.00'	508.30'	255.53'
C	27°49'25"	750.00'	364.21'	185.77'
D	15°15'45"	500.00'	115.74'	68.13'
E	56°37'35"	275.00'	271.79'	148.15'
F	12°00'00"	1892.86'	354.55'	177.93'
AA	97°08'05"	20.00'	33.91'	—
BB	86°38'55"	20.00'	30.25'	—
CC	80°43'20"	20.00'	28.18'	—
DD	105°36'50"	20.00'	36.87'	—
EE	89°55'25"	20.00'	24.41'	—
FF	88°31'00"	20.00'	30.90'	—
GG	91°42'55"	30.00'	48.02'	—

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, CONTAINING 41.88 ACRES, BEING TRACT 1 OF THE SURVEY RECORDED IN BOOK 2446, PAGE 41 AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2609, PAGE 86 OF THE RECORDS OF BOONE COUNTY, MISSOURI.

I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY
 ALLSTATE CONSULTANTS, P.C.



James R. Jeffries
 JAMES R. JEFFRIES
 JLS 2500
 JUNE 17, 2005
 DATE

STATE OF MISSOURI }
 COUNTY OF BOONE } SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 17TH DAY OF JUNE, 2005.

Marla E. Oglesby
 NOTARY PUBLIC *
 MY COMMISSION EXPIRES JANUARY 10, 2008

