

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 270-13

### **AN ORDINANCE**

approving the Final Plat of Heritage Village, 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 Heritage Village, Plat No. 1, dated July 1, 2013, a major subdivision located on the north side of Muirfield Drive, at the western termini of Southampton Drive and Kenilworth Drive, containing approximately 6.42 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 Heritage Woods Development, LLC in connection with the approval of the Final Plat of Heritage Village, Plat No. 1. 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 \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

## PERFORMANCE CONTRACT

This contract is entered into on this day \_\_\_\_ of \_\_\_\_\_, 2013 between the City of Columbia, MO (“City”) and **Heritage Woods 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 **Heritage Village Plat No. 1**, including sidewalks and all improvements and utilities shown on the plat and related construction plans, along with the installation of a speed hump along Kenilworth Drive, 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 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: \_\_\_\_\_  
Mike Matthes, City Manager

ATTEST:

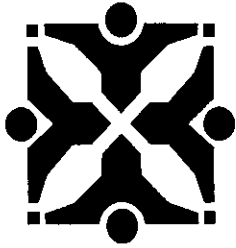
\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Nancy Thompson, City Counselor

Subdivider

BY:  \_\_\_\_\_



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Sep 16, 2013

Re: Heritage Village, Plat No. 1 - final major plat (Case 13-120)

**EXECUTIVE SUMMARY:**

A request by GED Investments, LLC (owner) for approval of a 20-lot final major plat of R-1 (One-Family Dwelling District) zoned land, to be known as Heritage Village, Plat No. 1. The 6.42-acre subject site is located at the western termini of Southampton and Kenilworth Drives, and on the north side of Muirfield Drive, east of Sinclair Road (Case # 13-120)

**DISCUSSION:**

The applicant is requesting approval of a 20-lot final plat on R-1 (One-Family Dwelling District) zoned land. The proposed plat is in substantial conformance with the preliminary plat, which was approved by Council Resolution R 162-12 on September 17, 2012.

The plat has been reviewed by City departments and external agencies, and meets all applicable requirements of the City's Zoning and Subdivision Regulations. Locator maps and a reduced copy of the plat are attached.

**FISCAL IMPACT:**

None

**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

**SUGGESTED COUNCIL ACTIONS:**

Approval of the proposed final plat

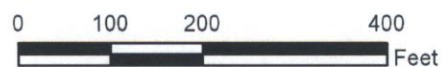
FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA



**Case 13-120: Heritage Village  
Plat No. 1**

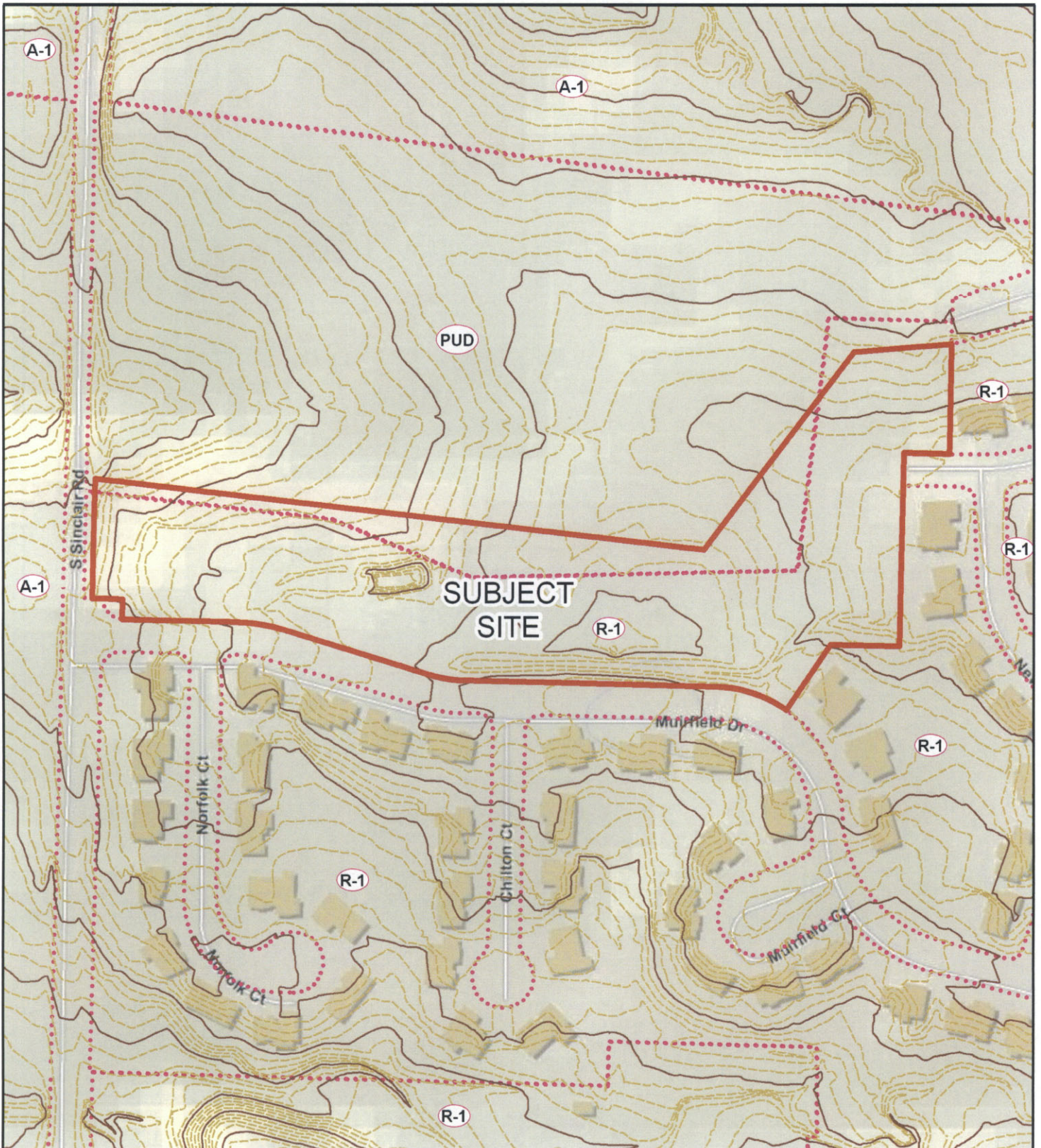


Parcel Data and Aerial Photo  
Source: Boone County Assessor

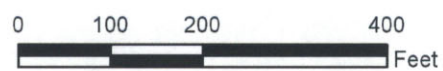


1 inch = 200 feet





**Case 13-120: Heritage Village  
Plat No. 1**



1 inch = 200 feet



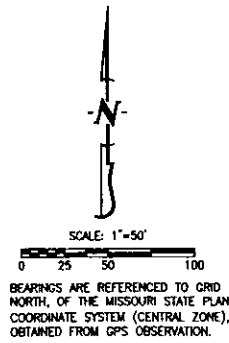
A MAJOR SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF  
SECTION 34, TOWNSHIP 48 NORTH, RANGE 13 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
JULY 1, 2013

A MAJOR SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF  
SECTION 34, TOWNSHIP 48 NORTH, RANGE 13 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
JULY 1, 2013

JULY 1, 2013



LOCATION MAP  
NOT TO SCALE



BEARINGS ARE REFERENCED TO GRID NORTH, OF THE MISSOURI STATE PLANNING COORDINATE SYSTEM (CENTRAL ZONE), OBTAINED FROM GPS OBSERVATION.

E EXISTING  
S SET  
o 1/2" IRON PIPE  
(UNLESS NOTED OTHERWISE)  
⊕ PERMANENT MONUMENT  
(M) MEASURED DISTANCE  
(REC) RECORDED DISTANCE  
(R) RADIAL LINE  
DH x DRILL HOLE  
W/ CHISELED X

1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAP PANEL NUMBER 29019C02800, DATED MARCH 17, 2011.

2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 203.0-18.040(2)(A).

3. A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.

4. THIS TRACT IS REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THERE ARE NO REGULATED WATERWAYS ON THIS SITE.

5. ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.

6. DIRECT ACCESS TO SINGULAR FARM FROM LOT 101 IS PROHIBITED.

KANDINE  
BOONE COUNTY-MAPO

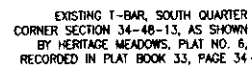
PAGE 116



**DETAIL B:**  
NOT TO SCALE



**DETAIL A:**  
**NOT TO SCALE**



EXISTING T-BAR, SOUTH QUARTER  
CORNER SECTION 34-48-13, AS SHOWN  
BY HERITAGE MEADOWS, PLAT NO. 6,  
RECORDED IN PLAT BOOK 33, PAGE 34

THAT HERITAGE WOODS DEVELOPMENT, LLC IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE STREET RIGHT OF WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "HERITAGE VILLAGE, PLAT NO. 1"

IN WITNESS WHEREOF, HERITAGE WOODS DEVELOPMENT, LLC HAS CAUSED THESE PRESENTS TO BE  
SIGNED BY ITS MEMBER, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.  
HERITAGE WOODS DEVELOPMENT, LLC.

STATE OF MISSOURI } SS  
COUNTY OF BOONE }

ON THIS DAY

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, BEFORE ME PERSONALLY APPEARED JOHN R. JONES, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS A MEMBER OF SAID LIMITED LIABILITY COMPANY AND THAT HE FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

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DANIELLE GRIFFITH

NOTARY PUBLIC  
MY COMMISSION EXPIRES OCTOBER 28, 2016  
COMMISSION NUMBER 12409201

**DANIELLE GRIFFITH**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Boone County  
My Commission Expires: Oct. 28, 2016  
Commission #12408201

I HEREBY CERTIFY THAT IN JULY OF 2013, I COMPLETED A SURVEY AND SUBDIVISION FOR HERITAGE WOODS DEVELOPMENT, L.L.C., OF A TRACT OF LAND LOCATED IN THE FOURTH QUARTER OF SECTION 34, TOWNSHIP 49 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF LOT 2 OF THE SURVEY RECORDED IN BOOK 4127, PAGE 116 AND PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4206, PAGE 157 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 34 AS SHOWN AT THE SOUTHWEST CORNER OF THE SURVEY RECORDED IN BOOK 1408, PAGE 376, THENCE WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, S 1°28'45"W, 631.54 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 34, S 88°30'50", 276.24 FEET; THENCE S 73°06'30", 297.71 FEET; THENCE S 88°36'25", 205.80 FEET; THENCE N 44°55'35", 108.89 FEET; THENCE N 42°07'15", 393.78 FEET; THENCE N 3°05'55", 60.00 FEET; THENCE 119.63 FEET ALONG A 430.00 FOOT-RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD N 85°07'40", 119.25 FEET; THENCE N 77°09'30", 89.45 FEET TO THE WEST LINE OF HERITAGE MEADOWS PLAT NO. 5, RECORDED IN PLAT BOOK 32, PAGE 68; THENCE WITH THE LINES OF SAID HERITAGE MEADOWS PLAT NO. 5, S 1°22'45"W, 232.23 FEET; THENCE N 88°41'50", 69.11 FEET; THENCE S 1°16'05", 292.06 FEET TO THE NORTH LINE OF HERITAGE MEADOWS PLAT NO. 6, RECORDED IN PLAT BOOK 33, PAGE 34; THENCE LEAVING THE LINES OF SAID PLAT 5 AND WITH THE LINES OF SAID HERITAGE MEADOWS PLAT NO. 6, N 88°41'40", 105.45 FEET; THENCE S 34°32'35"W, 119.70 FEET; THENCE 115.52 FEET ALONG A 200.00 FOOT-RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 72°03'35"W, 113.92 FEET; THENCE N 88°36'25", 385.37 FEET; THENCE 54.10 FEET ALONG A 200.00 FOOT-RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 80°51'30"W, 53.94 FEET; THENCE N 73°06'30"W, 237.34 FEET; THENCE 66.82 FEET ALONG A 250.00 FOOT-RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD N 80°53'40"W, 66.62 FEET; THENCE N 88°30'50"W, 178.68 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 1715, PAGE 16; THENCE WITH THE LINES OF SAID QUIT-CLAIM DEED, N 0°44'40", 30.00 FEET; THENCE N 88°26'40", 47.00 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE LEAVING THE LINES OF SAID QUIT-CLAIM DEED AND WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34, N 1°28'45", 89.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.42 ACRES.

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

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC  
2608 NORTH STADIUM BLVD.  
COLUMBIA, MO 65202

CORPORATE NUMBER: 2000151304

DAVID T. BUTCHER, PLS-2002014095  
9/4/2013  
DATE



CURVE	L	R	Δ	CHORD
1	127.98'	460.00'	15°56'25"	127.56
2	53.45'	500.00'	6°07'30"	53.43'
3	154.52'	180.00'	49°11'05"	149.82
4	142.17'	200.00'	40°43'40"	139.18
5	30.39'	20.00'	87°03'45"	27.55'
6	31.06'	20.00'	88°58'20"	28.03'
7	27.39'	20.00'	78°27'45"	25.30
8	43.94'	30.00'	83°55'45"	40.12

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

DANIELLE GRIFFITH  
Notary Public-Notary Seal  
STATE OF MISSOURI  
Boone County  
My Commission Expires Oct. 28, 2011  
Commission #12408201

STATE OF MISSOURI } SS  
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

DANIELLE GRIFFITH