

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 21-14

AN ORDINANCE

approving the Final Plat of Magnolia Falls Plat 3, a Replat of a portion of Magnolia Falls; 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 Magnolia Falls Plat 3, a Replat of a portion of Magnolia Falls, as certified and signed by the surveyor on January 7, 2014, a subdivision located on the southeast corner of Route KK and Old Mill Creek Road, containing approximately 6.46 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 Beacon Street Properties, LLC in connection with the approval of the Final Plat of Final Plat of Magnolia Falls Plat 3. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

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

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this 2 day of DECEMBER, 2013 between the City of Columbia, MO ("City") and BEACON STREET PROPERTIES, 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 Magnolia Falls Plat 3, 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.

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: _____
Mike Matthes, City Manager

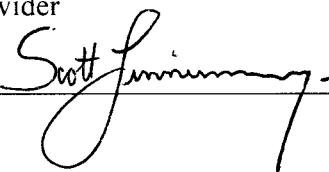
ATTEST:

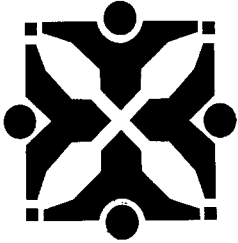
Sheela Amin, City Clerk

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: Jan 21, 2014

Re: Magnolia Falls Plat 3 - final major plat (Case 13-246)

EXECUTIVE SUMMARY:

A request by Beacon Street Properties, LLC (owner) for approval of a 20-lot replat of R-1 land within Magnolia Falls subdivision, to be known as "Magnolia Falls Plat 3 - final plat". The 6.46-acre subject site is located southeast of Route KK and Old Mill Creek Road. (Case 13-246)

DISCUSSION:

The applicant is requesting approval of a 20-lot plat on R-1 zoned land to accommodate the construction of single-family detached houses. The proposed plat is substantially consistent with Magnolia Falls Plat 3 - preliminary plat, which was approved by Council on October 21, 2013.

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, a reduced copy of the plat, and performance contracts are attached.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed final major plat

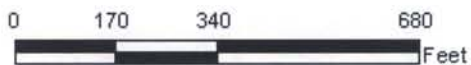
FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
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

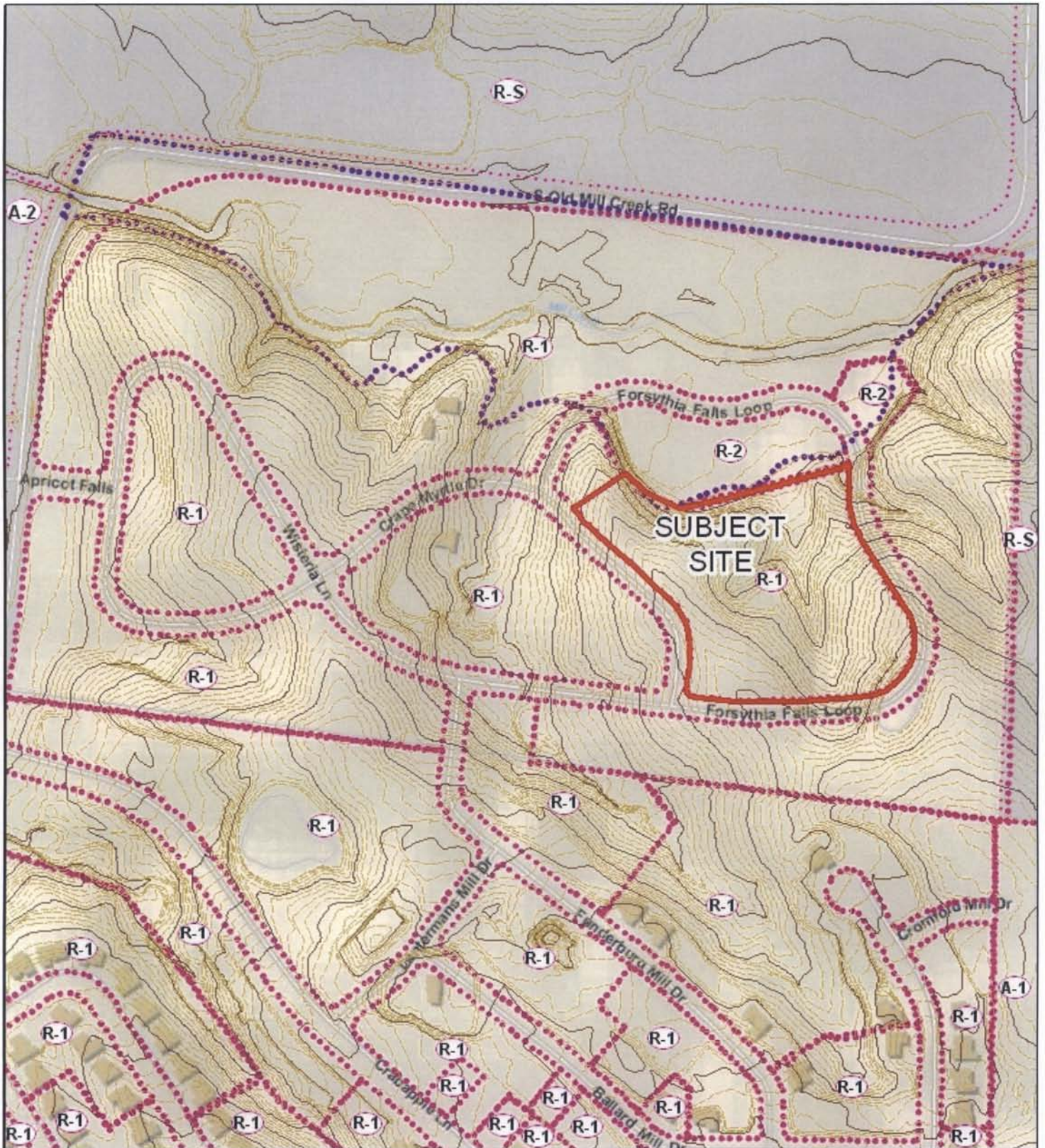


Boone County Assessor's Office, Sanborn Map Company

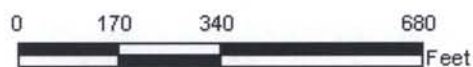


13-246: Magnolia Falls Plat 3 Replat





13-246: Magnolia Falls Plat 3 Replat

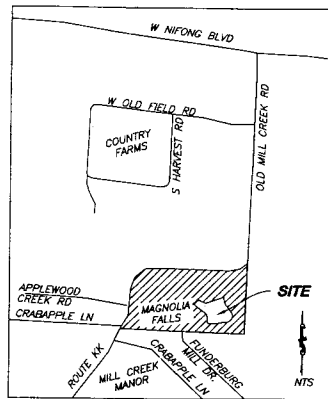


MAGNOLIA FALLS PLAT 3

A REPLAT OF A PORTION OF MAGNOLIA FALLS

PLAT BOOK 41, PAGE 64

NOVEMBER 27, 2013



LOCATION MAP
NOT TO SCALE

LEGEND

- IRON PIPE CAP #2001008115
- EXISTING SET
- RECORD
- BENCH MARK
- DRILL HOLE
- IRON PIPE
- REBAR
- PERMANENT MONUMENT
- RIGHT OF WAY MARKER
- STONE
- BOONE COUNTY SURVEY
- RADIAL LINE
- CENTERLINE
- SQUARE FEET
- ACRES
- EXISTING FENCE
- FLOODPLAIN

CURVE DATA TABLE					
NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD DIRECTION	CHORD LENGTH
C2	20.00'	28.45'	81°30'55"	S 88°44'50" E	26.11'
C3	20.00'	31.42'	90°00'00"	S 77°59'20" E	28.28'
C4	20.00'	29.94'	85°46'05"	N 12°15'50" E	27.22'
C8	20.00'	27.94'	80°01'55"	N 16°59'40" E	25.72'
C5	100.00'	89.35'	51°11'35"	N 71°24'55" E	86.41'
C6	100.00'	17.46'	10°00'05"	S 87°59'15" E	17.43'
C7	100.00'	52.36'	30°00'00"	N 72°00'40" E	51.76'

NOTES

- THIS IS AN URBAN CLASS SURVEY.
- PERMANENT MONUMENTS ARE TO BE SET AFTER STREET CONSTRUCTION IS COMPLETE.
- ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
- ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS UNLESS OTHERWISE NOTED AS CH. FOR CHORD DIMENSIONS.
- SQUARE FOOTAGES ARE CALCULATED VALUES AND ARE NOT INTENDED TO REPRESENT THE PRECISION OF THE SURVEY.

FLOOD PLAIN STATEMENT

THIS TRACT IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE CITY OF COLUMBIA FLOOD INSURANCE RATE MAP #2901902700, DATED MARCH 17, 2011.

STREAM BUFFER STATEMENT

THERE IS NO STREAM BUFFER PRESENT ON THIS TRACT PER ARTICLE X, CHAPTER 12A OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES AND AS SHOWN ON THE FINAL PLAT OF MAGNOLIA FALLS RECORDED IN PLAT BOOK 41, PAGE 64. THIS PROPERTY IS WITHIN THE HUNTSDALE, MO 2011 QUADRANGLE AS SHOWN BY USGS MAPS.

KNOW ALL MEN BY THESE PRESENTS

BEACON STREET PROPERTIES, LLC, BEING SOLE OWNER OF THE BELOW DESCRIBED TRACTS, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT. IN WITNESS WHEREOF, BEACON STREET PROPERTIES LLC HAS CAUSED THESE PRESENTS TO BE SIGNED.

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

BEACON STREET PROPERTIES, LLC

SCOTT LINNEMEYER, MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS _____ DAY OF _____ IN THE YEAR 2014, BEFORE ME, SPENCER HASKAMP, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED SCOTT LINNEMEYER 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.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

CERTIFICATION

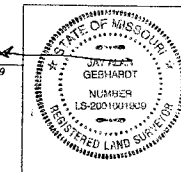
A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF MAGNOLIA FALLS AS RECORDED IN PLAT BOOK 41, PAGE 64 OF THE RECORDS OF BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH CORNER OF LOT 230 OF MAGNOLIA FALLS PLAT 2 AS RECORDED IN PLAT BOOK 47, PAGE 59 OF THE BOONE COUNTY RECORDS; THENCE ALONG THE SOUTHEAST LINE OF SAID LOT N56°30'15"E, 147.89 FEET; THENCE S47°59'20"E, 64.21 FEET; THENCE S63°22'15"E, 93.34 FEET; THENCE BEARING N76°37'30"E, 337.30 FEET; THENCE N74°19'05"E, 178.62 FEET; THENCE ALONG A NON-TANGENT 135.00-FOOT RADIUS CURVE TO THE RIGHT, 7.58 FEET; SAID CURVE HAVING A CHORD, S01°29'05"W, 51.26 FEET; THENCE S01°29'05"W, 51.26 FEET; THENCE ALONG A 225.00-FOOT RADIUS CURVE TO THE LEFT, 135.38 FEET; SAID CURVE HAVING A CHORD, S15°45'05"E, 133.35 FEET; THENCE S32°59'20"E, 182.05 FEET; THENCE ALONG A 135.00-FOOT RADIUS CURVE TO THE RIGHT, 282.74 FEET; SAID CURVE HAVING A CHORD, S07°25'E, 7.58 FEET; THENCE S01°29'05"W, 51.26 FEET; THENCE ALONG A 225.00-FOOT RADIUS CURVE TO THE RIGHT, 82.91 FEET; SAID CURVE HAVING A CHORD, N87°59'15"W, 82.81 FEET; THENCE N82°59'15"W, 85.00 FEET; THENCE ALONG A 20.00-FOOT RADIUS CURVE TO THE RIGHT, 31.42 FEET; SAID CURVE HAVING A CHORD, N37°59'15"W, 28.28 FEET; THENCE N07°00'45"E, 66.90 FEET; THENCE ALONG A 175.00-FOOT RADIUS CURVE TO THE LEFT, 167.99 FEET; SAID CURVE HAVING A CHORD, N07°29'15"W, 161.81 FEET; THENCE N47°59'20"W, 250.94 FEET; THENCE ALONG A 175.00-FOOT RADIUS CURVE TO THE RIGHT, 39.77 FEET; THENCE ALONG A CHORD, N41°28'45"W, 39.68 FEET; THENCE ALONG A 225.00-FOOT RADIUS CURVE TO THE LEFT, 11.57 FEET; SAID CURVE HAVING A CHORD, N36°26'30"W, 11.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.46 ACRES.

I HEREBY CERTIFY THAT I SURVEYED THE 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
A CIVIL GROUP

JAY GERHARDT
DATE 1/7/14
L.S. 2001001909



STATE OF MISSOURI }
COUNTY OF BOONE } SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____ DAY
OF _____ 2014.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

A CIVIL GROUP
CIVIL ENGINEERING,
PLANNING, SURVEYING 3401
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COURT
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FAX: (573) 817-1677