

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 288-13

AN ORDINANCE

approving the Final Plat of Rock Valley, Plat 4, a minor 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 Rock Valley, Plat 4, dated August 12, 2013, a minor subdivision located on the north side of Chapel Hill Road, between Face Rock Court and Madison Park Drive, containing approximately 12.04 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 Central Missouri Land, LLC in connection with the approval of the Final Plat of Rock Valley Plat 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 _____, 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 _____, 20 13 between the City of Columbia, MO ("City") and CENTRAL MISSOURI LAND, 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 ROCK VALLEY 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.

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:

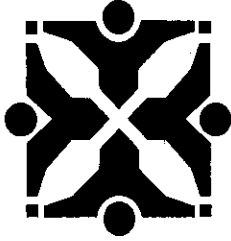
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider

BY: _____
BRYAN BARTELS



Source: Community Development - Planning *TT*

Agenda Item No:

To: City Council

From: City Manager and Staff *MM*

Council Meeting Date: Oct 7, 2013

Re: Rock Valley Plat 4 (Case # 13-152)

EXECUTIVE SUMMARY:

A request by Central Missouri Land, LLC and C-Hill, LLC. (owners) for approval of a one-lot final plat to be known as "Rock Valley, Plat 4". The 12.04-acre site is located on the north side of Chapel Hill Road between Face Rock Court and Madison Park Drive. **(Case # 13-152)**

DISCUSSION:

This is a request to combine three R-3 lots into a single development site that will allow for the future construction of a continuing retirement care community (CCRC) on the north side of Chapel Hill Road between Face Rock Court and Madison Park Drive. A request to vacate Hillcrest Road and an unopened right-of-way along the east property line (B272-13 and B273-13) are being considered by Council concurrently with this request. The vacation of the right-of-way serving the residences at 1800 and 1804 Hillcrest Road will be delayed until the homes and utilities have been removed.

The plat will create a single legal lot of approximately 11.66 acres and include the dedication of additional right-of-way to bring Chapel Hill Road up to its required half-width. A performance contract will ensure that applicable public infrastructure (i.e. sidewalks) are installed within 3 years of plat approval. The plat has been reviewed by internal and external departments/agencies and found to comply with the Subdivision Regulations. The vacation of the rights-of-way were also supported for approval.

On September 19, 2013, the Planning and Zoning Commission unanimously (9-0) recommended approval of the final plat. There was no discussion and no one from the public spoke regarding the matter.

A copy of the staff report, locator maps, reduced copy of the plat, performance contract, and meeting excerpts are attached.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of the plat as recommended by the Planning and Zoning Commission

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 #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 19, 2013

SUMMARY

A request by Central Missouri Land, LLC and C-Hill, LLC (owners) for approval of a one-lot final plat to be known as "Rock Valley, Plat 4". The 12.04-acre site is located on the north side of Chapel Hill Road between Face Rock Court and Madison Park Drive. **(Case # 13-152).**

DISCUSSION

The applicant is requesting approval to combined three existing lots into one for the purposes of building a continuing care retirement community (CCRC). The existing residential structures on Hillcrest Road will be removed as part of the future development activity. A demolition permit for their removal has been submitted and is pending issuance until the current occupants and utilities have been disconnected.

In order to facilitate the future development several right-of-way vacations have also been requested. These actions will receive final approval by City Council on October 7 and the approval of the attached plat will be subject to them. The vacation and removal of that portion of Hillcrest Road serving the existing residential structures will be delayed, per the vacation ordinance, until the structures have been demolished.

The attached plat has provided the required right-of-way upgrade to Chapel Hill Road and a performance contract will ensure that sidewalks as well as other required public infrastructure improvements will be installed. The plat has been reviewed by internal and external departments and agencies and is recommended for approval.

STAFF RECOMMENDATION

Approval of the proposed one-lot subdivision.

SITE CHARACTERISTICS

Area (acres)	12.04
Address	None Assigned. Existing residential structures are 1800 and 1904 Hillcrest Road
Topography	Sloping to the northwest
Vegetation	Generally cleared with treed areas toward northern property line
Watershed	County House Branch

SITE HISTORY

Annexation date	1964
Land Use Plan designation	Neighborhood District
Existing use(s)	Undeveloped, except for improvements on Hillcrest Road
Existing zoning	R-3 (Medium density multi-family)

UTILITIES & SERVICES

All city utilities serve the site.

ACCESS

Chapel Hill Drive	
Location	South side of site
Major Roadway Plan classification	City-maintained minor arterial. Plat provides 17-feet of additional half-width upgrade (50-feet). Sidewalk required along property's street frontage.
CIP projects	None

PARKS & RECREATION

Neighborhood Parks Plan	Closest existing City park is Twin Lakes to the southwest of site.
Trails Plan	County House Branch Trail along the northern property line
Bicycle/Pedestrian Network Plan	Urban trail/pedway – designated bike line on south side of Chapel Hill Road

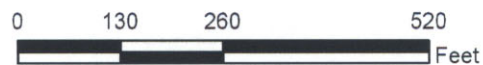
Report prepared by PRZ Approved by PRZ



**SUBJECT
SITE**



13-152 Final Plat & Right of Way Vacations Rock Valley Plat 4



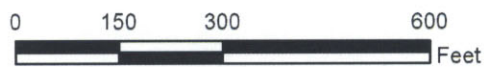
Parcel Data and Aerial Photo
Source: Boone County Assessor



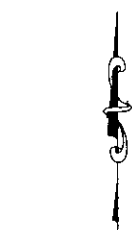
13-152 Final Plat & Right of Way Vacations Rock Valley Plat 4



Parcel Data
Source: Boone County Assessor



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



SCALE: 1" = 50'
0 25 50 100

BEARINGS ARE REFERENCED TO THE
WEST BOUNDARY LINE OF MADISON
PARK PLAT 1, AS DESCRIBED IN PLAT
BOOK 38, PAGE 89.
BEARING = S 0° 27' 45" W

NOTES

1. THIS IS AN URBAN CLASS SURVEY.
2. PERMANENT MONUMENTS ARE TO BE SET AFTER STREET CONSTRUCTION IS COMPLETE.
3. ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
4. RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, FILE NUMBER 0718620, DATED: MAY 30, 2007.
5. SQUARE FOOTAGES ARE CALCULATED VALUES AND ARE NOT INTENDED TO REPRESENT THE PRECISION OF THE SURVEY.
6. HILLCREST RIGHT OF WAY USED FOR ACCESS TO THE EXISTING STRUCTURES WILL BE VACATED UPON DEMOLITION OF THE STRUCTURES ADDRESSED AS 1800 AND 1804 HILLCREST ROAD PER ORDINANCE _____ APPROVED _____

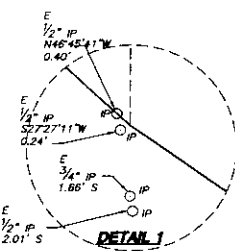
FLOOD PLAN STATEMENT

PART OF THIS TRACT IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE BOONE COUNTY FLOOD INSURANCE RATE MAP #29019C02700 AND MAP #29019C02900 DATED MARCH 17, 2011.

STREAM BUFFER STATEMENT

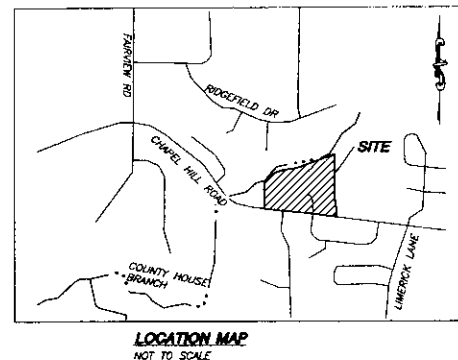
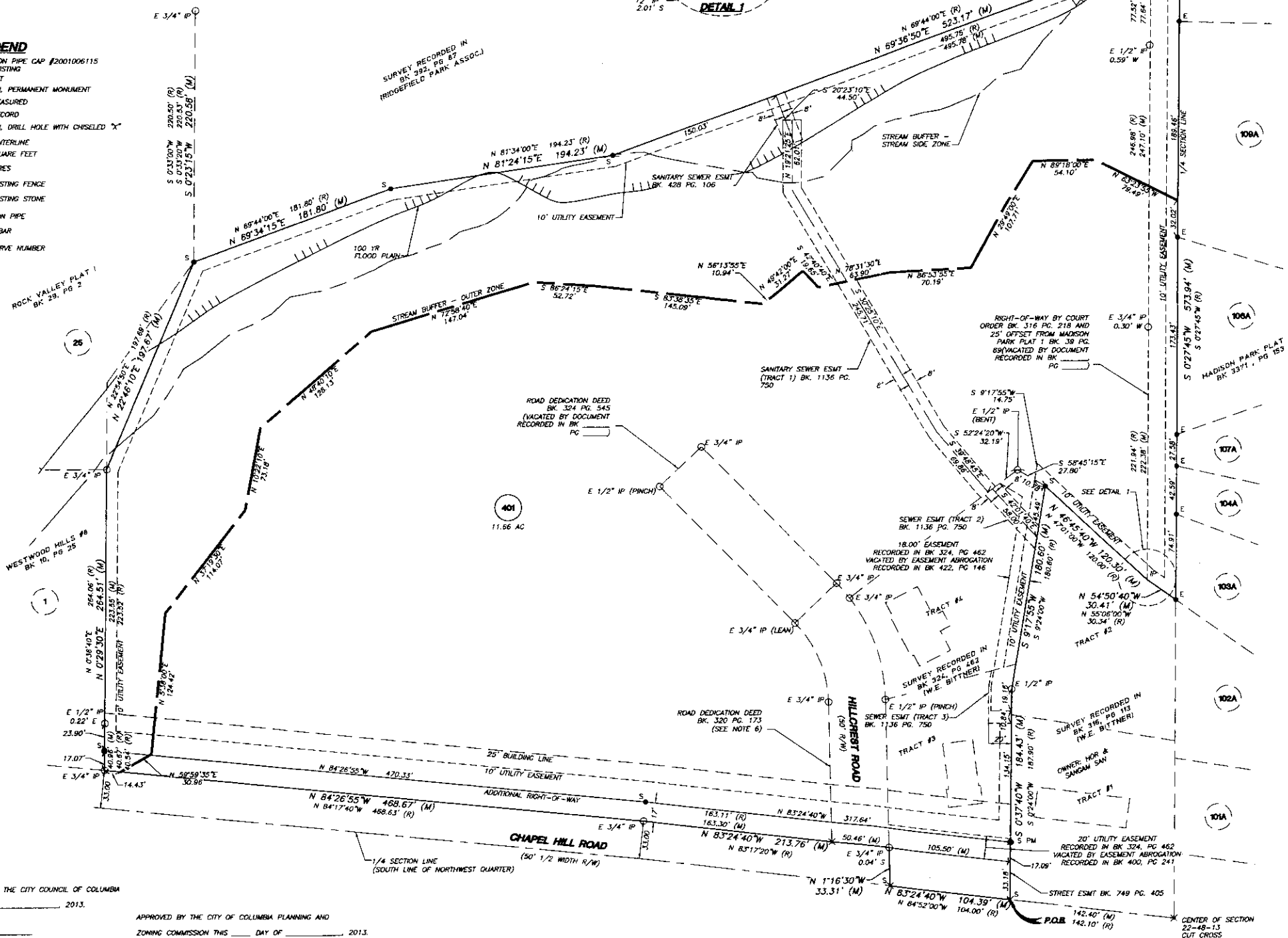
THIS TRACT IS REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCE AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI. A 150' BUFFER HAS BEEN PROVIDED FOR THE TYPE-1 STREAM, COUNTY HOUSE BRANCH, WITH ADJACENT SLOPES GREATER THAN 15% GRADE.

FINAL PLAT ROCK VALLEY PLAT 4 A MINOR SUBDIVISION AUGUST 12, 2013



LEGEND

- IRON PIPE CAP #2001006115
- EXISTING
- SET
- PERMANENT MONUMENT
- MEASURED
- RECORD
- DK, DRILL HOLE WITH CHISELED "X"
- CENTERLINE
- 1.50 ACRES
- EXISTING FENCE
- EXISTING STONE
- IRON PIPE
- REBAR
- CURVE NUMBER



KNOW ALL MEN BY THESE PRESENTS

CENTRAL MISSOURI LAND, LLC AND C-HILL, LLC, BEING SOLE OWNERS OF THE BELOW DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, CENTRAL MISSOURI LAND, LLC AND C-HILL, LLC HAVE 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. ADDITIONAL RIGHT-OF-WAY FOR CHAPEL HILL ROAD IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER. CENTRAL MISSOURI LAND, LLC

BRYAN G. BARTELS, MEMBER

STATE OF _____ }
COUNTY OF _____ } SS

ON THIS _____ DAY OF _____ IN THE YEAR 2013, BEFORE ME, _____ A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED BRYAN G. BARTELS, WHO BEING BY ME DULY SWORN, ACKNOWLEDGED THAT THEY ARE A MEMBER OF CENTRAL MISSOURI LAND, LLC, A LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID COMPANY AND FURTHER ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS A FREE ACT AND DEED FOR THE PURPOSES THEREIN STATED AND THAT THEY HAVE BEEN GRANTED THE AUTHORITY BY SAID LIMITED LIABILITY COMPANY TO EXECUTE THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

C-HILL, LLC

GREGORY L. BARTELS, MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS _____ DAY OF _____ IN THE YEAR 2013, BEFORE ME, SPENCER HASKAMP, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED GREGORY L. BARTELS, WHO BEING BY ME DULY SWORN, ACKNOWLEDGED THAT THEY ARE A MEMBER OF CENTRAL MISSOURI LAND, LLC, A LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID COMPANY AND FURTHER ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS A FREE ACT AND DEED FOR THE PURPOSES THEREIN STATED AND THAT THEY HAVE BEEN GRANTED THE AUTHORITY BY SAID LIMITED LIABILITY COMPANY TO EXECUTE THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

SPENCER M. HASKAMP

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 13 WEST IN THE CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND BEING ALL OF THE TRACTS 3 AND 4 THE SURVEY AS RECORDED IN BOOK 324, PAGE 462 DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 3768, PAGE 75, ALSO BEING PART OF THE SURVEY RECORDED IN BOOK 1036, PAGE 89 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4086, PAGE 147, ALL OF THE BOONE COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE CENTER OF SECTION 22, THENCE FOLLOWING THE CENTERLINE OF CHAPEL HILL ROAD N 83° 24' 40" W, 142.40 FEET; THENCE N 83° 24' 40" W, 104.39 FEET; THENCE N 01° 16' 30" W, 33.31 FEET; THENCE N 83° 24' 40" W, 213.76 FEET; THENCE N 84° 26' 55" W, 468.67 FEET; THENCE N 00° 28' 30" W, 264.51 FEET; THENCE N 02° 46' 10" E, 187.67 FEET; THENCE N 69° 34' 15" E, 181.80 FEET; THENCE N 81° 24' 15" E, 194.23 FEET; THENCE N 69° 34' 15" E, 181.80 FEET; THENCE N 00° 28' 30" W, 264.51 FEET; THENCE N 01° 16' 30" W, 33.31 FEET; THENCE N 83° 24' 40" W, 213.76 FEET; THENCE N 84° 26' 55" W, 468.67 FEET; THENCE N 00° 28' 30" W, 264.51 FEET; THENCE N 02° 46' 10" E, 187.67 FEET; THENCE N 69° 34' 15" E, 181.80 FEET; THENCE N 81° 24' 15" E, 194.23 FEET; THENCE N 69° 34' 15" E, 181.80 FEET; THENCE N 00° 28' 30" W, 264.51 FEET; THENCE N 01° 16' 30" W, 33.31 FEET; THENCE N 83° 24' 40" W, 213.76 FEET; THENCE N 84° 26' 55" W, 468.67 FEET; THENCE N 00° 28' 30" W, 264.51 FEET; THENCE N 02° 46' 10" E, 187.67 FEET; 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Excerpts
Planning and Zoning Commission Meeting
September 19, 2013

IV.) SUBDIVISIONS

13-152 A request by Central Missouri Land, LLC and C-Hill, LLC (owners) for approval of a one-lot final plat to be known as “Rock Valley, Plat 4”. The 12.04-acre site is located on the north side of Chapel Hill Road between Face Rock Court and Madison Park Drive.

DR. PURI: May we have a Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the proposed one-lot subdivision.

DR. PURI: Commissioners, any questions for the Staff? Mr. Wheeler?

MR. WHEELER: I'm just moving on. No questions? Usually this is a subdivision item, not a public hearing item, but we often -- always welcome input of the public if there is any. So I'll open the hearing for any public input on this item.

HEARING OPENED

DR. PURI: Anybody that would like to speak on this subdivision case? I see no one, so close hearing.

HEARING CLOSED

DR. PURI: Commissioners? Mr. Wheeler?

MR. VANDER TUIG: This seems like a very straightforward case, and unless there is discussion, I would make a motion that we recommend approval.

MR. LEE: (Indicating.)

MR. STANTON: Second.

DR. PURI: Mr. Lee second. Roll call, please.

MR. STRODTMAN: Motion has been made and seconded for Case No. 13-152, a request by Central Missouri Land, LLC and C-Hill, owners, for a one-lot final plat, Rock Valley, Plat 4, on Chapel Hill Road.

Roll Call Vote (Voting “yes” is to recommend approval.) Voting Yes: Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 9-0.

DR. PURI: Motion carries.