

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 287-13

AN ORDINANCE

approving the Final Plat of Old Hawthorne, Plat No. 11, a major subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; setting forth a condition for approval; 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 Old Hawthorne, Plat No. 11, dated July 15, 2013, a major subdivision located on the northeast corner of State Route WW and Old Hawthorne Drive, containing approximately 14.65 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 Old Hawthorne Development, LLC in connection with the approval of the Final Plat of Old Hawthorne, Plat No. 11. 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 **Old Hawthorne 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 **Old Hawthorne, Plat No. 11**, 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 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:

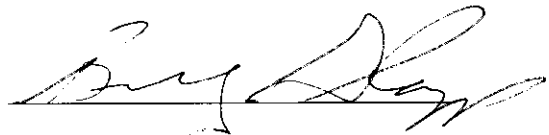
Sheela Amin, City Clerk

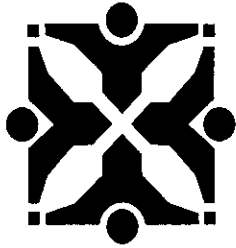
APPROVED AS TO FORM:

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 3, 2013

Re: Old Hawthorne, Plat No. 11 - final major plat (Case 13-136)

EXECUTIVE SUMMARY:

A request by Old Hawthorne Development, LLC (owner) for approval of a 36-lot final major plat to be known as Old Hawthorne, Plat No. 11. The 14.7-acre subject site is zoned R-1, and is located on the northeast corner of State Route WW and Old Hawthorne Drive. (Case 13-136)

DISCUSSION:

The applicant is requesting approval of a 36-lot final plat on R-1 (One-Family Dwelling District) zoned land. The proposed plat is in substantial conformance with the Preliminary Plat of Old Hawthorne, and with Council Resolution R 223-05, which approved said preliminary plat on October 3, 2005. The proposed final plat also meets all applicable obligations contained within the August 22, 2005 development agreement between the property owner and the City.

The plat has been reviewed by City departments and external agencies, and meets all of the applicable requirements of the City's Zoning Regulations. However, the plat includes street names that do not meet the requirements of Section 25-41 (a) of the Subdivision Regulations, which prohibits new street names from duplicating or sounding like existing or platted street names in Boone County. While the proposed street names, Cobble Creek Drive and Shallow River Drive, match those on the previously approved preliminary plat of Old Hawthorne, Public Safety Joint Communications (PSJC) has identified 60 existing streets in Boone County with "Creek" as part of the root name, and "Shallow" as part of two street names within the Old Hawthorne development. Since these duplications may cause confusion to first responders, staff recommends that new street names be requested by the applicant, and approved by PSJC prior to approval of this final plat.

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, subject to new street names being approved that comply with the street naming requirements found in Section 25-41 (a) of the Subdivision Regulations

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



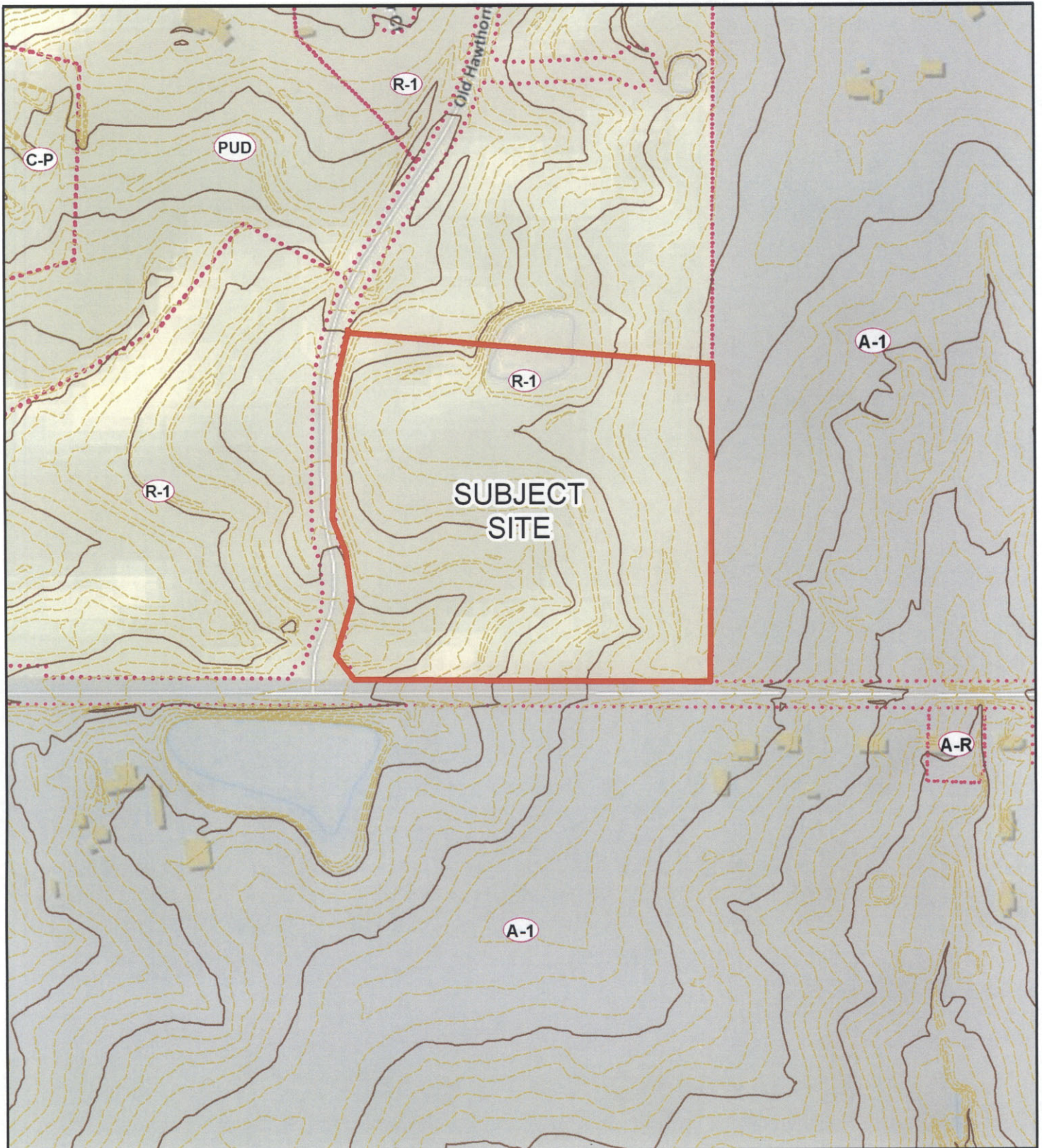
2011 Orthophoto
Source: Boone County Assessor

Case 13-136: Final Major Plat Old Hawthorne, Plat No. 11

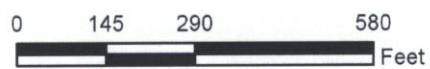
0 145 290 580
Feet

1 inch = 300 feet





**Case 13-136: Final Major Plat
Old Hawthorne, Plat No. 11**

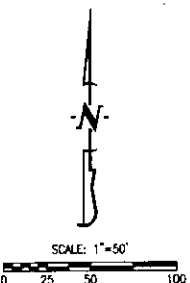
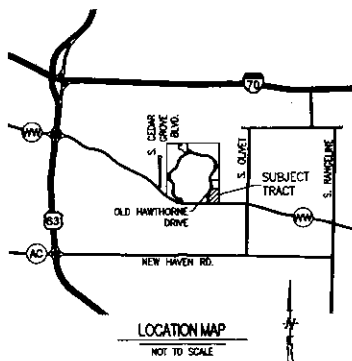


1 inch = 300 feet



FINAL PLAT OLD HAWTHORNE, PLAT No. 11

A MAJOR SUBDIVISION LOCATED IN SECTION 23, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
JULY 15, 2013

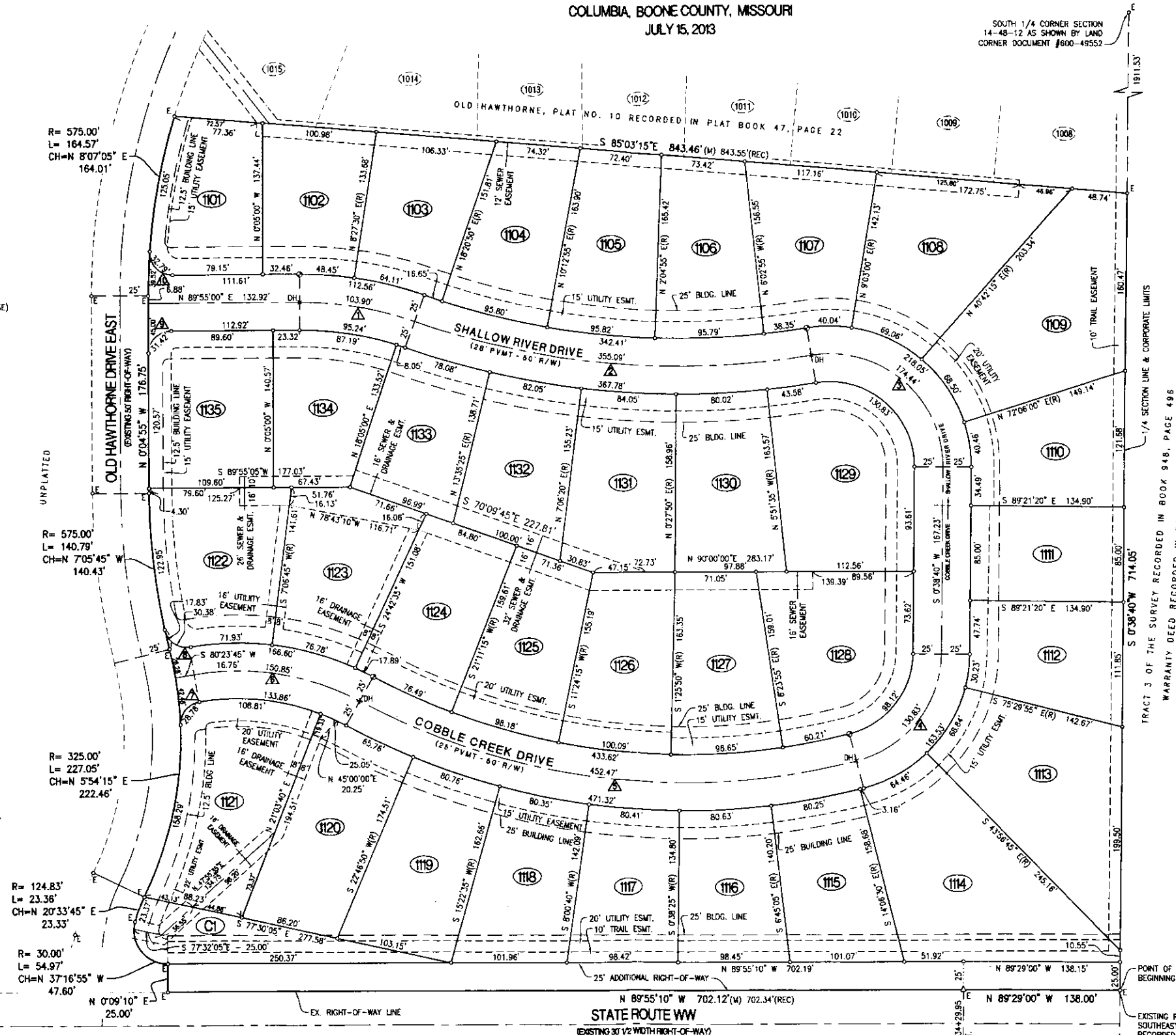


BEARINGS ARE REFERENCED TO GRID
NORTH, OF THE MISSOURI STATE PLANE
COORDINATE SYSTEM (CENTRAL ZONE),
OBTAINED FROM GPS OBSERVATION.

CURVE TABLE				
CURVE	L	R	A	CH DIST
1	103.90'	300.00'	19°50'35"	103.38'
2	355.09'	700.00'	29°03'55"	351.30'
3	174.44'	100.00'	99°56'50"	153.15'
4	130.83'	100.00'	74°57'30"	121.89'
5	452.47'	600.00'	43°12'25"	441.82'
6	150.85'	225.00'	38°24'45"	148.04'
7	28.78'	20.00'	82°26'32"	26.36'
8	30.38'	20.00'	87°02'20"	27.54'
9	31.42'	20.00'	89°59'50"	28.28'
10	32.79'	20.00'	93°56'25"	29.24'

NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY FLOOD PLAN MAP #29019003250 DATED MARCH 17, 2011.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
- OLD HAWTHORNE DRIVE HAS BEEN DEDICATED AS PART OF OLD HAWTHORNE, PLAT NO. 1.
- A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
- THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES.
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
- THERE SHALL BE NO DIRECT ACCESS FROM LOTS 1114, 1115, 1116, 1117 AND 1118 ONTO STATE ROUTE WW.



CERTIFICATION:

I HEREBY CERTIFY THAT IN JULY 2013, I COMPLETED A SURVEY FOR OLD HAWTHORNE DEVELOPMENT, LLC. OF A TRACT OF LAND LOCATED IN SECTION 23, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE SURVEY RECORDED IN BOOK 2591, PAGE 24 AND PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2872, PAGE 78 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE WW AT THE SOUTHEAST CORNER OF SAID SURVEY RECORDED IN BOOK 2591, PAGE 24, THENCE WITH THE NORTH RIGHT-OF-WAY LINE OF SAID SURVEY, N 89°29'00" W, 138.00 FEET; THENCE N 89°55'10" W, 702.12 FEET TO THE EAST RIGHT-OF-WAY LINE OF OLD HAWTHORNE DRIVE EAST; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE WW AND WITH THE EAST RIGHT-OF-WAY LINE OF SAID OLD HAWTHORNE DRIVE EAST, N 0°09'10" E, 25.00 FEET; THENCE 54.97 FEET ALONG A 30.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 37°16'55" W, 47.60 FEET; THENCE 23.36 FEET ALONG A 124.83-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 20°33'45" E, 23.33 FEET; THENCE 227.05 FEET ALONG A 325.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 5°54'15" E, 222.46 FEET; THENCE 140.79 FEET ALONG A 575.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 7°05'45" W, 140.43 FEET; THENCE N 0°04'55" W, 176.75 FEET; THENCE 164.57 FEET ALONG A 575.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 8°07'05" E, 164.01 FEET TO THE SOUTHWEST CORNER OF OLD HAWTHORNE, PLAT 10 RECORDED IN PLAT BOOK 47, PAGE 22; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF SAID OLD HAWTHORNE DRIVE EAST AND WITH THE SOUTH LINE OF SAID OLD HAWTHORNE, PLAT 10, S 85°03'15" E, 843.46 FEET TO THE WEST LINE OF A SURVEY RECORDED IN BOOK 948, PAGE 48; THENCE LEAVING THE LINES OF SAID OLD HAWTHORNE, PLAT 10 AND WITH THE WEST LINE OF SAID SURVEY, S 0°38'40" W, 714.05 FEET; TO THE POINT OF BEGINNING AND CONTAINING 14.65 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:

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

CORPORATE NUMBER: 2000151304

STATE OF MISSOURI: SS
COUNTY OF BOONE: SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 27 DAY OF SEPTEMBER, 2013.

DANIELLE GRIFFITH
Notary Public-Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires Oct. 28, 2016
Commission #12409201

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

KNOW ALL MEN BY THESE PRESENTS:

THAT OLD HAWTHORNE DEVELOPMENT, LLC. IS THE SOLE OWNER OF THE HEREIN DESCRIBED TRACT AND THAT SAID 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 "OLD HAWTHORNE, PLAT NO. 11"

IN WITNESS WHEREOF, OLD HAWTHORNE DEVELOPMENT, LLC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING MEMBER, THIS 27 DAY OF SEPTEMBER, 2013.

OLD HAWTHORNE DEVELOPMENT, LLC.

BILLY G. SAPP, MANAGING MEMBER

STATE OF MISSOURI: SS
COUNTY OF BOONE: SS

ON THIS 27 DAY OF SEPTEMBER, 2013 BEFORE ME PERSONALLY APPEARED BILLY G. SAPP, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGING MEMBER OF OLD HAWTHORNE DEVELOPMENT, LLC., AND THAT HE FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID COMPANY.

DANIELLE GRIFFITH
Notary Public-Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires Oct. 28, 2016
Commission #12409201

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

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS 27 DAY OF SEPTEMBER, 2013.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK