

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 5-14

AN ORDINANCE

approving the Final Plat of Broadhead Place, Plat No. 2, a Replat of Lots 1 through 6 of Broadhead Place; 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 Broadhead Place, Plat No. 2, a Replat of Lots 1 through 6 of Broadhead Place, as certified and signed by the surveyor on December 13, 2013, a subdivision located on the south side of Conley Avenue, between Fourth Street and Fifth Street, containing approximately 1.25 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 Columbia Properties II, LLC in connection with the approval of the Final Plat of Broadhead Place, Plat No. 2. 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 day ____ of _____, 2013 between the City of Columbia, MO (“City”) and **Columbia Properties II, 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 **Broadhead Place, Plat No. 2**, 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:

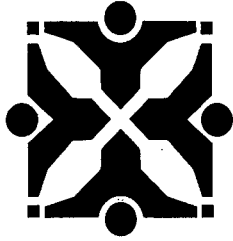
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

COLUMBIA PROPERTIES II, LLC
A DELAWARE LIMITED LIABILITY COMPANY
BY: CHP INVESTMENTS #1, LLC
A MISSOURI LIMITED LIABILITY COMPANY
ITS MANAGER Subdivider

BY: _____



Source: Community Development - Planning ^{TI}

Agenda Item No:

To: City Council
From: City Manager and Staff *MM*

Council Meeting Date: Jan 6, 2014

Re: Broadhead Place, Plat 2 (Case #13-235)

EXECUTIVE SUMMARY:

A request by Columbia Properties II, LLC (owner) for a one-lot replat of PUD (Planned Unit Development) zoned land, to be known as "Broadhead Place, Plat No. 2". The 1.15-acre subject site is located on the south side of Conley Avenue, between Fourth and Fifth Streets. **(Case #13-235)**

DISCUSSION:

The applicant is requesting approval to replat six (6) existing lots of record into a single lot to facilitate the redevelopment of the site into a 103 unit student housing development known as the Residences at 5th and Conley. The subject property is currently zoned PUD 90 and would permit the existing residences to coexist on the single lot until their demolition.

A permit to demolish the existing structure has been submitted; however, will not be issued until such time as the structures are no longer occupied. Based on the demolition permit application the structures are anticipated for demolition after the spring semester ends.

The plat shows the dedication of the additional rights-of-way along the adjacent roadway frontages as required by the approved PUD plan and construction plans have been submitted for the extension of sanitary sewer. There is on-going coordination with the City Water and Light Department relating to the extension and installation of electric and water services to support the future development.

The plat has been reviewed by external agencies and internal City departments and found to comply with the City's Subdivision Regulations. The plat is recommended for approval.

A copy of location maps and reduced copy of the subdivision plat are attached.

FISCAL IMPACT:

None

VISION IMPACT:

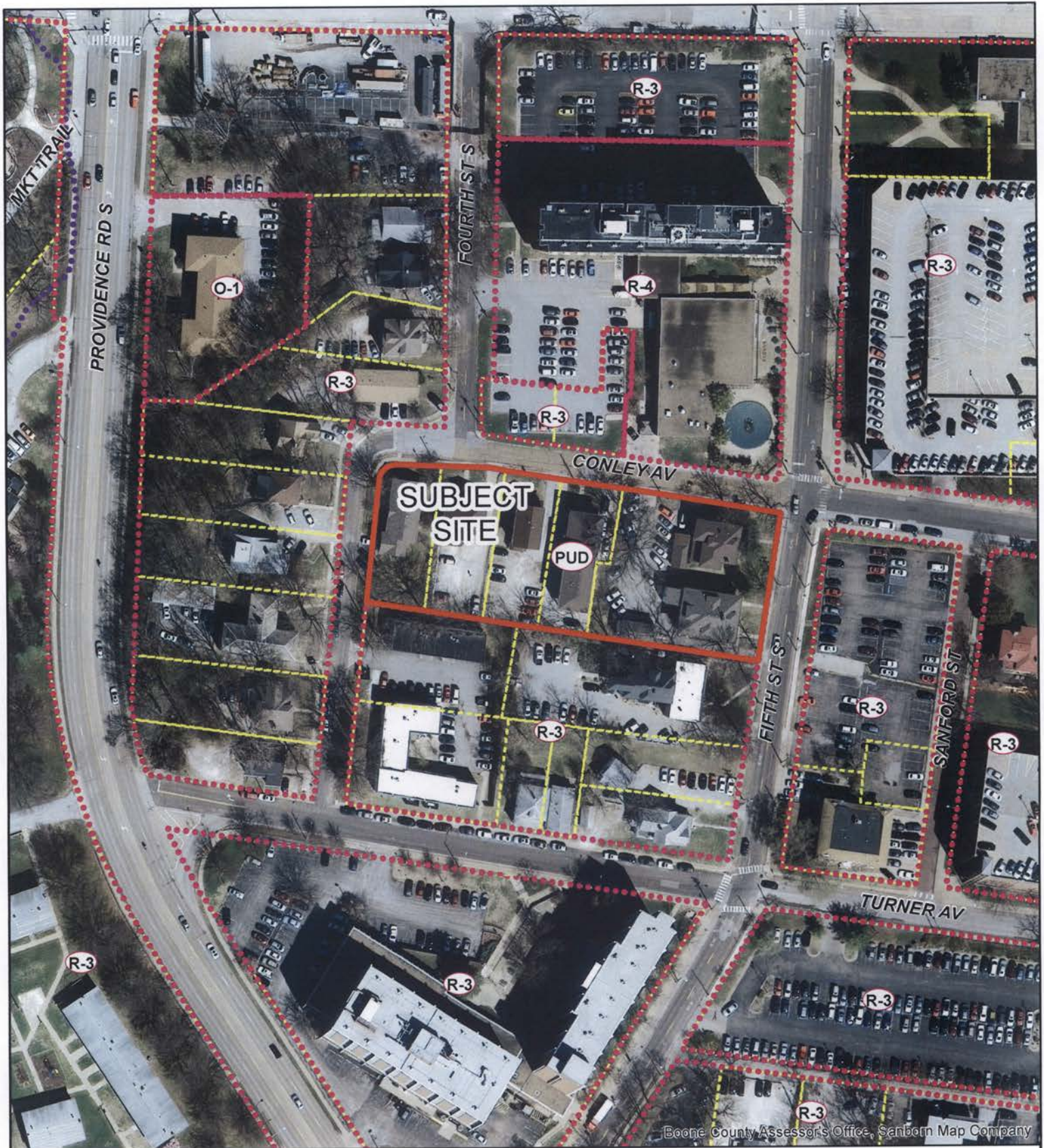
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approval of the requested one-lot replat.

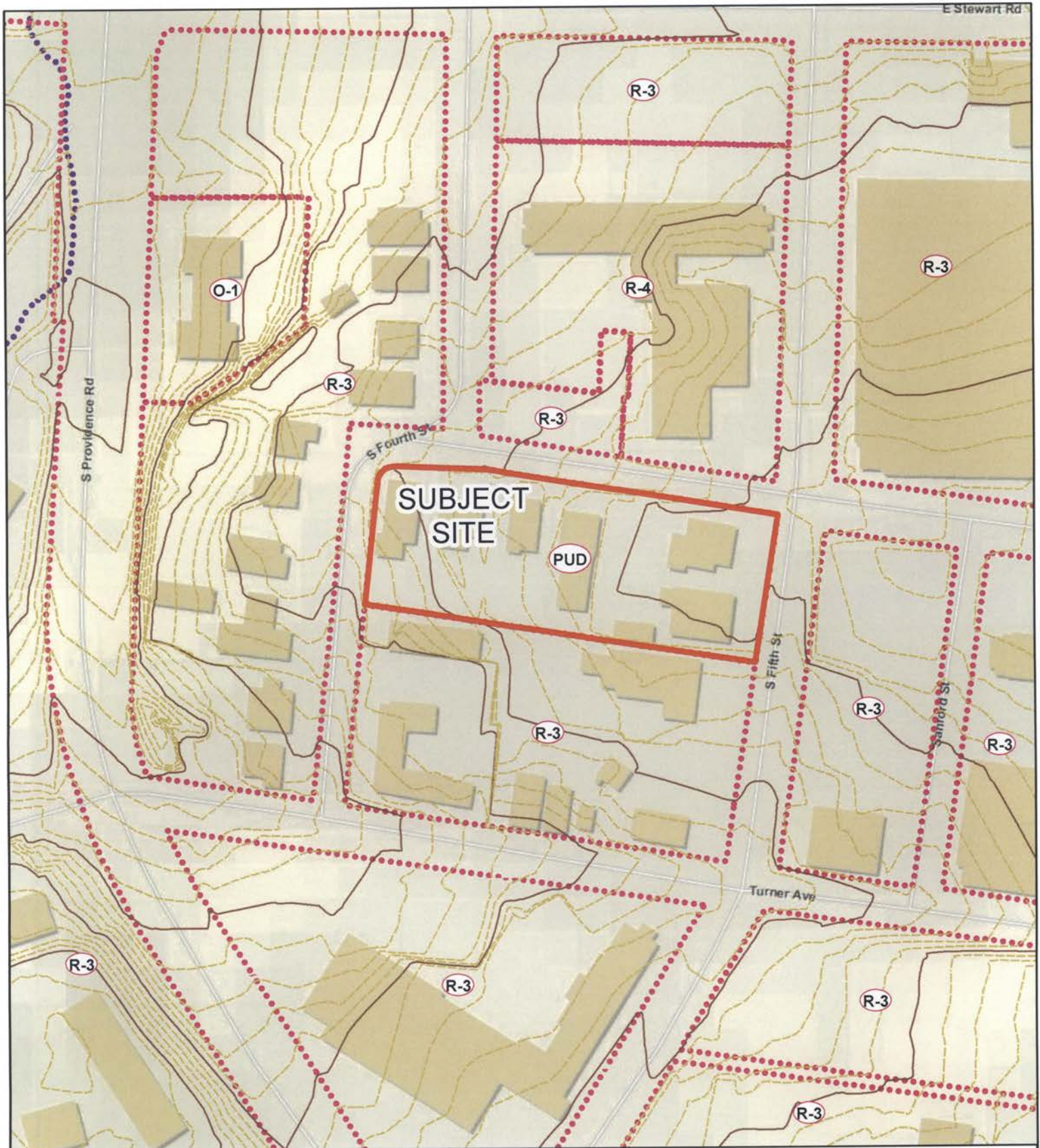
FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact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



13-235: Broadhead Place Plat No. 2

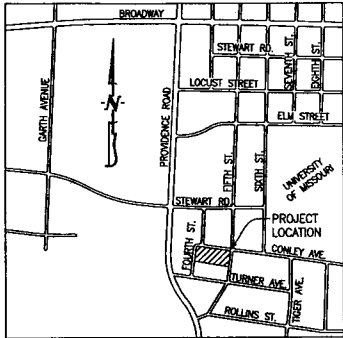
0 65 130 260
Feet



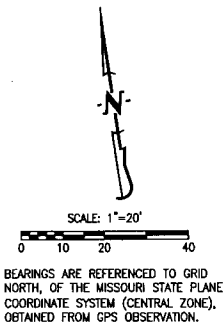


**13-235: Broadhead Place
Plat No. 2**





LOCATION MAP
NOT TO SCALE



LEGEND:
E EXISTING
S SET
1/2" IRON PIPE
(UNLESS NOTED OTHERWISE)
(M) MEASURED DISTANCE
(REC) RECORDED DISTANCE
DH X DRILL HOLE
W/ CHISELED X
P.O.B. POINT OF BEGINNING

FINAL PLAT BROADHEAD PLACE, PLAT NO. 2

A REPLAT OF LOTS 1 THROUGH 6 OF BROADHEAD PLACE, LOCATED IN
NE 1/4 OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST,
COLUMBIA, BOONE COUNTY, MISSOURI
NOVEMBER 11, 2013

LENDER'S ACKNOWLEDGEMENT
BMO HARRIS BANK N.A., A NATIONAL BANKING ASSOCIATION

THOMAS J. MURPHY, VICE PRESIDENT

NOTES:

- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI CODE OF REGULATIONS 20 CSR 2030-16.040 SECTION (2)(A).
- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAN AS SHOWN BY THE FLOOD MAP PANEL NUMBER 29019C02800, DATED MARCH 17, 2011.
- RECORD TITLE INFORMATION WAS PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-626164-STLO, DATED OCTOBER 10, 2013 (TRACTS 1, 2 & 3) AND REVISED OCTOBER 29, 2013.
- THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230 OF THE CITY OF COLUMBIA CODE OF ORDINANCES. ORIGINALLY PLATTED PRIOR TO ADOPTING ORDINANCE. (COLUMBIA QUADRANGLE)
- THERE IS A ROCK RETAINING WALL ALONG THE SOUTH LINE OF LOTS 4, 5 AND 6 OF THIS TRACT THAT IS PARTIALLY ON BOTH SIDES OF THE PROPERTY LINE.
- THE UTILITY EASEMENT RECORDED IN BOOK 2449, PAGE 130 WAS VACATED BY ORDINANCE NO. _____ RECORDED IN BOOK _____ PAGE _____
- FUTURE REFERENCE TO THIS PROPERTY SHOULD BE LOT 1 OF BROADHEAD PLACE, PLAT NO. 2 WITH APPROPRIATE RECORDING INFORMATION.

CERTIFICATION:

I HEREBY CERTIFY THAT IN APRIL 2013, I COMPLETED A SURVEY FOR COLLEGIATE HOUSING PARTNERS, LLC. OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEEDS RECORDED IN BOOK 4236, PAGE 32 AND BOOK 4236, PAGE 33 AND THE TRUSTEES DEED RECORDED IN BOOK 4236, PAGE 34, AND BEING ALL OF LOTS 1, 2, 3, 4, 5, & 6 OF BROADHEAD PLACE RECORDED IN PLAT BOOK 2, PAGE 45 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SURVEY RECORDED IN BOOK 316, PAGE 547, AND WITH THE NORTH LINE THEREOF, N 81°28'55"W, 380.14 FEET TO THE NORTHWEST CORNER OF SAID SURVEY AND THE EAST RIGHT-OF-WAY LINE OF FOURTH STREET; THENCE LEAVING THE LINES OF SAID SURVEY AND WITH SAID EAST RIGHT-OF-WAY LINE, N 54°00'E, 120.66 FEET; THENCE 22.99 FEET ALONG A 15.00 FOOT-RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD N 49°41'05"E, 20.80 FEET; THENCE S 86°24'50"E, 86.94 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF CONLEY AVENUE; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF FOURTH STREET AND WITH SAID SOUTH RIGHT-OF-WAY LINE, S 81°18'05"E, 286.16 FEET TO THE WEST RIGHT-OF-WAY LINE OF FIFTH STREET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF CONLEY AVENUE AND WITH SAID WEST RIGHT-OF-WAY LINE, S 0°39'45"E, 9.10 FEET; THENCE S 9°23'00"W, 133.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.25 ACRES.

THIS SURVEY WAS MADE IN CONFORMANCE 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
DATE 12/13/2013

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 13 DAY OF December 2013.

DANIELLE GRIFFITH
Notary Public-Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires Oct. 28, 2018
Commission #12409201

NOTARY PUBLIC
MY COMMISSION EXPIRES OCTOBER 28, 2018
COMMISSION NUMBER 12409201

KNOW ALL MEN BY THESE PRESENTS:

THAT COLUMBIA PROPERTIES II, 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 "BROADHEAD PLACE, PLAT NO. 2"

IN WITNESS WHEREOF, COLUMBIA PROPERTIES II, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS _____ DAY OF _____, 2013.

COLUMBIA PROPERTIES II, LLC.

TIM VANMATRE, MANAGER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, 2013 BEFORE ME PERSONALLY APPEARED TIM VANMATRE, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE MANAGER 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.

NAME _____ NOTARY PUBLIC
MY COMMISSION EXPIRES _____
COMMISSION NUMBER _____

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI,
THIS _____ DAY OF _____, 2014.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK