

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B145-14

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** June 2, 2014

**Re:** Parkside Estates, Plat No. 1 - final major plat (Case 14-93)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance, Performance Contracts

**Supporting documentation includes:** Maps, Plats and Plans, Copy of Amendment to Declaration of Covenants, Conditions, Reservations, and Restrictions

## Executive Summary

A request by Southside Trail Estates (owner) for approval of a 50-lot final major plat on PUD (Planned Unit Development) zoned land, to be known as "Parkside Estates, Plat No. 1". The 33.04-acre subject site is located on the east side of Route K, across from E. Southbrook Court. (Case #14-93)

## Discussion

The applicant is requesting approval of a 50-lot plat on PUD (Planned Unit Development) zoned land to accommodate the construction of 49 single-family detached houses. The proposed plat is substantially consistent with the Parkside Estates PUD development plan, and meets the conditions contained within the associated rezoning ordinance and statement of intent, which were approved by Council on September 3, 2013.

More specifically, the final plat satisfies the following conditions, which are noted on the preliminary plat/PUD development plan, and contained within the rezoning ordinance and statement of intent:

1. The Type 2 stream buffer has been expanded from 100 feet to 200 feet to meet the Type 1 width standard
2. Direct driveway access to Route K is prohibited
3. Common lot "C1" is reserved for storm water drainage and utility easements
4. A tree preservation plan has been approved
5. All lots are for single-family detached housing
6. A 75-foot wide parkside buffer is shown along the plat's southern boundary
7. Per the statement of intent, draft covenant excerpts pertaining to impervious area, landscaping, lawn care, and storm water mitigation are attached, and the complete declaration of covenants, conditions and restrictions must be recorded prior to approval of the final plat.

It should be noted that there are many requirements listed within the PUD plan notes and statement of intent that pertain to final build-out conditions. The maximum impervious surface ratio of 15 percent is acknowledged on the plat and will be checked with each construction permit.

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An executed amendment to the declaration of covenants will be submitted for recording following Council approval of the plat. The amended declaration further clarifies what shall be considered as impervious versus pervious areas for the purpose of tracking by referring to the following definitions found in the City's Stormwater Management & Water Quality Manual

(<https://www.gocolumbiamo.com/PublicWorks/StormWater/stormwater-manual.php>):

- Impervious surface: A surface that prevents the infiltration of stormwater.
- Pervious pavement: A special type of pavement that allows water to infiltrate the surface layer and enter into a high-void, aggregate, sub-base layer. The captured water is stored in the reservoir layer until it either infiltrates the underlying soil strata or is routed through an underdrain system to a conventional stormwater conveyance system.

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 PUD plan, the rezoning ordinance and statement of intent, and excerpts from the covenants & restrictions are attached.

## Fiscal Impact

**Short-Term Impact:** No new capital spending is expected within the upcoming 2 years as a result of this proposal.

**Long-Term Impact:** The development of this site will increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands will be offset by increased property and sales tax revenues and user fees.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development, Environment

Strategic Plan Impact: Growth Management

Comprehensive Plan Impact: Land Use & Growth Management, Environmental Management, Livable & Sustainable Communities

## Suggested Council Action

Approval of the plat

## Legislative History

April 21, 2014: B65-14 Approving the Final Plat of Parkside Estates, Plat No. 1 located on the east side of Route K and adjacent to Southbrook Court; authorizing a performance contract (Case No. 14-16). (Tabled at the April 7, 2014 Council Meeting.) (Supplemental Information.) Supporting Documentation [Defeated]

September 3, 2014: B229-13 Voluntary annexation of property located on the south side of Route K, approximately 2,000 feet south of the intersection of Providence Road, Route K and Old Plank Road;

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establishing permanent PUD-2.0 zoning; approving the Preliminary Plat & PUD Plan of Parkside Estates; granting a variance from the Subdivision Regulations relating to sidewalk construction (Case No. 13-100). (Supplemental Information.) Supporting Documentation [Amended & Passed as Amended]

A handwritten signature in black ink, appearing to be 'R. J. ...', written over a horizontal line.

Department Approved

A handwritten signature in black ink, appearing to be 'M. ...', written over a horizontal line.

City Manager Approved

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

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

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

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

Council Bill No. B 145-14

**AN ORDINANCE**

approving the Final Plat of Parkside Estates, 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 Parkside Estates, Plat No.1, as certified and signed by the surveyor on May 12, 2014, a major subdivision located on the east side of Route K and adjacent to Southbrook Court, containing approximately 33.04 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 Southside Trails Estates, LLC in connection with the approval of the Final Plat of Parkside Estates, Plat No. 1. 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 \_\_\_\_\_, 2014 between the City of Columbia, MO (“City”) and **Southside Trails Estates, 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 **Parkside Estates, Plat No. 1**, 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

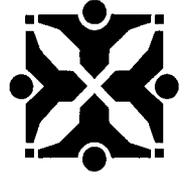
APPROVED AS TO FORM:

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

Southside Trails Estates, LLC  
BY: Robert Hill  
Robert A. Hill, Manager

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans, Copy of Amendment to Declaration of Covenants, Conditions, Reservations, and Restrictions



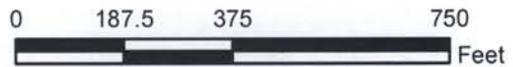
**SUBJECT  
SITE**



## 14-93: Parkside Estates Plat No. 1 Final Major



Hillshade Data: Boone County GIS Office  
 Parcel Data Source: Boone County Assessor  
 Imagery: Boone County Assessor's Office, Sanborn Map Company  
 Created by The City of Columbia - Community Development Department



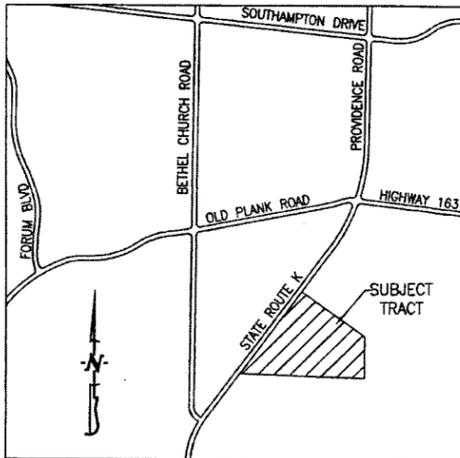


# 14-93: Parkside Estates Plat No. 1 Final Major

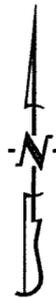


Hillshade Data: Boone County GIS Office  
 Parcel Data Source: Boone County Assessor  
 Imagery: Boone County Assessor's Office, Sanborn Map Company  
 Created by The City of Columbia - Community Development Department





LOCATION MAP  
 NOT TO SCALE



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

- LEGEND:**
- E EXISTING
  - SET 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
  - STONE
  - PERMANENT MONUMENT
  - (M) MEASURED DISTANCE
  - (REC) RECORDED DISTANCE
  - (R) RADIAL LINE
  - DH x DRILL HOLE
  - W/ CHISELED X

# FINAL PLAT PARKSIDE ESTATES, PLAT No. 1

A MAJOR SUBDIVISION LOCATED IN SECTION 1, TOWNSHIP 47 NORTH, RANGE 13 WEST  
 COLUMBIA, BOONE COUNTY, MISSOURI  
 JANUARY 27, 2014

**KNOW ALL MEN BY THESE PRESENTS:**

THAT SOUTHSIDE TRAIL ESTATES, 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 "PARKSIDE ESTATES, PLAT NO. 1"

IN WITNESS WHEREOF, SOUTHSIDE TRAIL ESTATES, LLC, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 12 DAY OF MAY, 2014.

SOUTHSIDE TRAIL ESTATES, LLC.

*Robert A. Hill*  
 ROBERT A. HILL, MANAGER

STATE OF MISSOURI }  
 COUNTY OF BOONE } SS

ON THIS 12 DAY OF MAY, 2014 BEFORE ME PERSONALLY APPEARED Robert Hill, AND \_\_\_\_\_, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT THEY 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.

*Danielle Griffith* NOTARY PUBLIC  
 DANIELLE GRIFFITH MY COMMISSION EXPIRES OCTOBER 28, 2016  
 COMMISSION NUMBER 12409201



**CERTIFICATION:**

I HEREBY CERTIFY THAT IN JANUARY OF 2014, I COMPLETED A SURVEY AND SUBDIVISION FOR SOUTHSIDE TRAIL ESTATES, LLC, OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND SHOWN IN THE SURVEYS RECORDED IN BOOK 2920, PAGE 90, AND BOOK 3080, PAGE 187 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4045, PAGE 119 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 1 ALSO BEING THE SOUTHEAST CORNER OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 3080, PAGE 187 AND WITH THE QUARTER SECTION LINE AND THE LINES OF SAID SURVEY, N 87°37'20"W, 1313.03 FEET; THENCE N 88°09'10"W, 100.78 FEET; THENCE LEAVING SAID QUARTER SECTION LINE AND THE LINES OF SAID SURVEY, N 1°57'20"E, 276.97 FEET; THENCE N 53°30'00"W, 176.05 FEET; THENCE 47.12 FEET ALONG A 30.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 81°30'05"W, 42.43 FEET; THENCE N 53°30'00"W, 25.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROUTE KK; THENCE WITH SAID EASTERLY RIGHT-OF-WAY LINE, N 36°30'00"E, 1135.85 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND CONTINUING WITH THE LINES OF SAID SURVEY, S 53°30'35"E, 1170.55 FEET; THENCE S 0°51'25"W, 664.88 FEET TO THE CENTER OF SAID SECTION 1 AND THE POINT OF BEGINNING AND CONTAINING 33.04 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

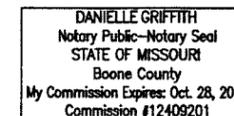
CORPORATE NUMBER: 2000151304

*David T. Butcher*  
 DAVID T. BUTCHER, PLS-2002014095  
5/12/2014  
 DATE

STATE OF MISSOURI }  
 COUNTY OF BOONE } SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 12 DAY OF MAY, 2014.

*Danielle Griffith* NOTARY PUBLIC  
 DANIELLE GRIFFITH MY COMMISSION EXPIRES OCTOBER 28, 2016  
 COMMISSION NUMBER 12409201



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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

**NOTES:**

1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAP 29019C 0290D DATED MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 20 CSR 2030-16.040(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 IS A REGULATED STREAM ON THIS SITE AS SHOWN BY THE COLUMBIA USGS QUAD MAP.
5. ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
6. THERE SHALL BE NO DIRECT ACCESS FROM LOTS 101,131,132,133, 134,135,136,137 OR 148 ONTO STATE ROUTE K.
7. LOT C1 IS TO BE A DRAINAGE AND UTILITY EASEMENT.
8. NO BUILDINGS WILL BE CONSTITUTED WITHIN THE PARKSIDE BUFFER WITHOUT PERMISSION FROM MISSOURI PARKS DEPARTMENT.
9. SUBJECT TO A 15% MAXIMUM IMPERVIOUS SURFACE AREA DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS DATED APRIL 21, 2014 AND RECORDED IN BOOK 4290, PAGE 140 OF THE RECORDS OF BOONE COUNTY, MISSOURI AS AMENDED BY THE AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS DATED \_\_\_\_\_, 2014 AND RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_ OF THE RECORDS OF BOONE COUNTY, MISSOURI.

FINAL PLAT, PARKSIDE ESTATES, PLAT

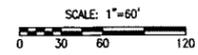
# FINAL PLAT PARKSIDE ESTATES, PLAT No. 1

A MAJOR SUBDIVISION LOCATED IN SECTION 1, TOWNSHIP 47 NORTH, RANGE 13 WEST  
 COLUMBIA, BOONE COUNTY, MISSOURI  
 JANUARY 27, 2014

CURVE	L	R	Δ	CHDIST
1	68.57'	300.00'	1°30'45"	68.42'
2	194.76'	500.00'	2°21'05"	193.53'
3	207.64'	115.00'	10°32'10"	180.56'
4	136.51'	250.00'	3°11'05"	134.82'
5	235.58'	150.00'	8°59'05"	212.10'
6	342.89'	300.00'	6°52'10"	324.53'
7	47.24'	30.00'	90°13'20"	42.51'
8	47.01'	30.00'	89°46'30"	42.34'
9	29.86'	20.00'	85°31'45"	27.16'
10	28.80'	20.00'	82°30'20"	26.38'
11	15.35'	20.00'	43°58'10"	14.97'
12	225.85'	47.00'	27°19'10"	63.31'
13	18.38'	20.00'	52°39'15"	17.74'
14	31.42'	20.00'	90°00'00"	28.28'
15	24.77'	27.00'	52°33'30"	23.91'
16	221.53'	47.00'	27°03'50"	66.43'
17	18.91'	27.00'	40°07'05"	18.52'
18	47.12'	30.00'	89°59'50"	42.43'

**LEGEND:**

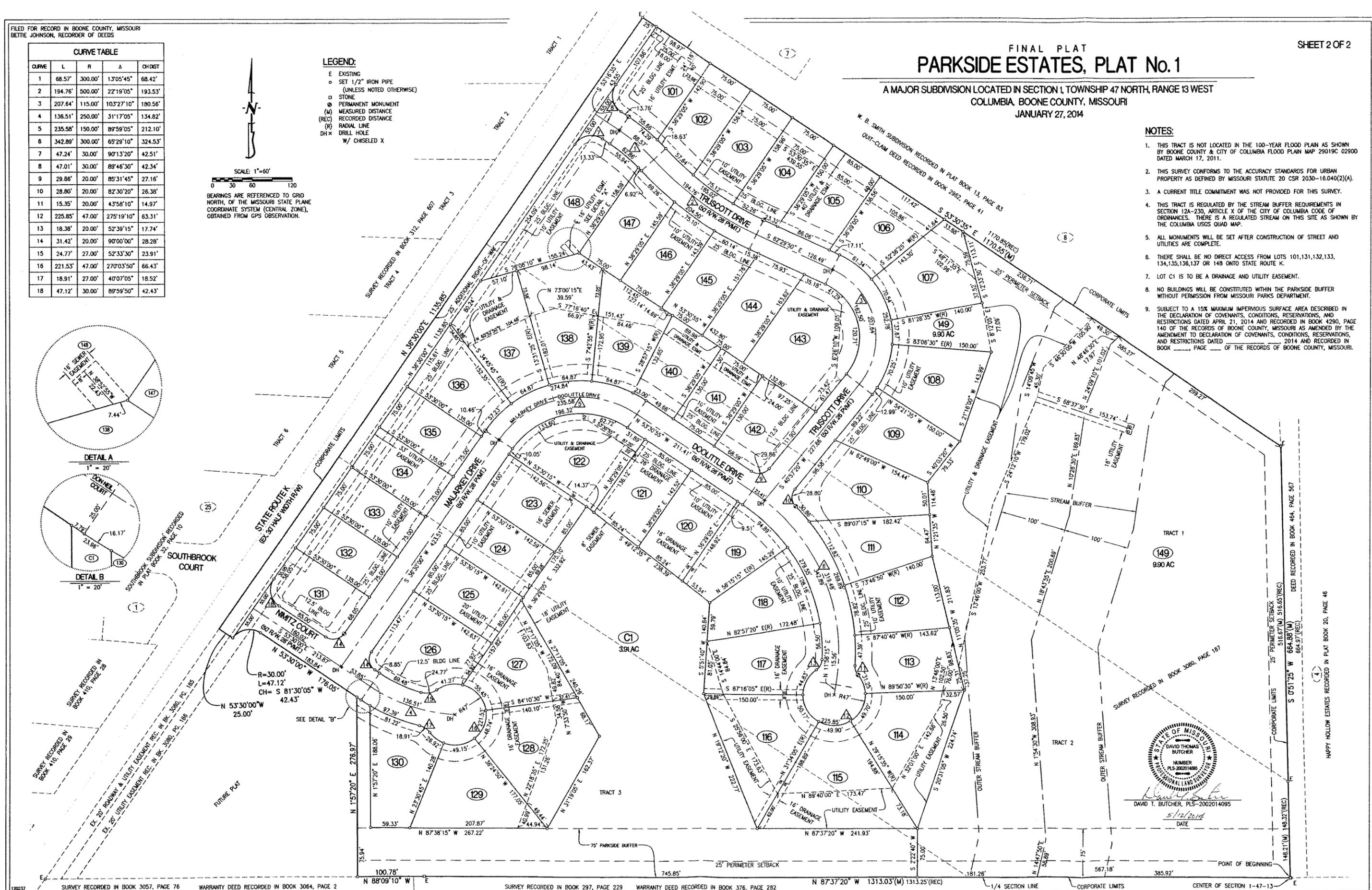
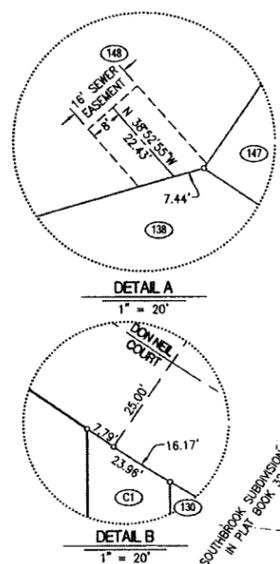
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- SET 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- STONE
- PERMANENT MONUMENT
- ⊕ MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- (R) RADIAL LINE
- DH x DRILL HOLE
- W/ CHISELED X



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

**NOTES:**

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAN MAP 29019C 02900 DATED MARCH 17, 2011.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 20 CSR 2030-16.040(2)(A).
- A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
- THIS TRACT IS REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THERE IS A REGULATED STREAM ON THIS SITE AS SHOWN BY THE COLUMBIA USGS QUAD MAP.
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- THERE SHALL BE NO DIRECT ACCESS FROM LOTS 101,131,132,133, 134,135,136,137 OR 148 ONTO STATE ROUTE K.
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- SUBJECT TO A 15% MAXIMUM IMPERVIOUS SURFACE AREA DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS DATED APRIL 21, 2014 AND RECORDED IN BOOK 4290, PAGE 140 OF THE RECORDS OF BOONE COUNTY, MISSOURI AS AMENDED BY THE AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS DATED 2014 AND RECORDED IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OF THE RECORDS OF BOONE COUNTY, MISSOURI.



STATE OF MISSOURI  
 DAVID THOMAS BUTCHER  
 NUMBER PLS-2002014095  
 PROFESSIONAL LAND SURVEYOR  
 DAVID T. BUTCHER, PLS-2002014095  
 5/12/2014  
 DATE

**TITLE:** **Amendment to Declaration of Covenants, Conditions, Reservations, and Restrictions**

**DATE:** **May \_\_\_\_\_, 2014**

**GRANTOR:** **Southside Trail Estates, LLC  
5796 S Route K  
Columbia, MO 65203**

**GRANTEES:** **Owners of Lots within the real estate to which this Declaration applies  
S Route K  
Columbia, MO 65203**

**LEGAL DESCRIPTION:** **THREE (3) TRACTS OF LAND LOCATED IN SECTION 1, TOWNSHIP 47 NORTH, RANGE 13 WEST AND BEING ALL OF TRACTS 1, 2, AND 3 OF THE SURVEY RECORDED IN BOOK 3080, PAGE 187, ALSO BEING ALL OF A TRACT OF LAND SHOWN BY THE SURVEY RECORDED IN BOOK 2920, PAGE 90, COLUMBIA, BOONE COUNTY, MISSOURI AND CONTAINING, 35.84 ACRES.**

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS**

This Amendment to Declaration of Covenants, Conditions, Reservations, and Restrictions (this "Amendment") shall be effective as of the date it is recorded in the Records of Boone County, Missouri (the "Effective Date") and shall be binding on all signatories hereto and the persons who currently own or who purchase or take possession of any real estate subject to this Amendment as described herein.

**RECITALS**

**WHEREAS**, the undersigned grantor is the owner (the "Owner") of all the real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference;

**WHEREAS**, the Declaration of Covenants, Conditions, Reservations, and Restrictions (the "Declaration") dated April 21, 2014, was recorded in Book 4290, Page 140 of the Records of Boone County, Missouri on April 21, 2014; and

**WHEREAS**, the Owner desires that the Declaration be amended pursuant to the terms of this Amendment.

**NOW THEREFORE**, the undersigned hereby declare that all of the real estate described on Exhibit A hereto and all lots and streets contained within such real estate and any modifications to such lots and any improvements now or hereafter located thereon, shall be held, sold, and conveyed subject to the Declaration as amended by this Amendment. This Amendment shall run with the land, shall be binding on all parties having or acquiring any right, title, or interest in the Project or any part thereof, or any lot contained therein, or any improvements located thereon, and shall inure to the benefit of each Owner thereof. The undersigned declare as follows:

1. In Article II, STATEMENT OF INTENT PROVISIONS, Section 6 is hereby deleted and in place thereof the following is hereby substituted, adopted, and made a part of the Declaration:

The Developer shall limit the total impervious area of the Development, not inclusive of the Missouri Route K right-of-way, to fifteen percent (15%). This impervious area shall be determined by using the applicable definitions (e.g., "impervious surface" and "pervious pavement") in the Stormwater Management & Water Quality Manual of the City of Columbia in effect as of April 21, 2014. The project engineer shall keep a running total of the impervious area of the site that shall be submitted with each building permit for any Lot within the Development. Developer shall allocate the allowed impervious surface area among the lots within the subdivision as set forth in Exhibit A attached

hereto. The Developer may re-allocate the impervious surface area among any lots still owned by Developer at any time as long as the total impervious area of the Development (including the percentage previously sold or transferred to third parties) does not exceed fifteen percent (15%) by recording an amended Exhibit A in the land records as a permitted unilateral amendment to this Declaration.

2. Subject only to the modifications and amendments made in this Amendment, the Declaration is hereby ratified. No amendments to the Declaration are intended or made other than as set forth in this Amendment. Capitalized terms used in this Amendment but not defined herein shall have the meanings given to those terms in the Declaration. This Amendment may be executed in multiple copies, each of which shall be deemed an "original" for all purposes.

**Southside Trail Estates, LLC**

By: \_\_\_\_\_  
Rob Hill, Authorized Agent

State of Missouri     )  
                                  ) ss.  
County of Boone     )

On this \_\_\_\_\_ day of May, 2014, before me personally appeared Rob Hill, who upon his oath and upon being duly sworn, did state, affirm, and acknowledge that he is an authorized agent of **Southside Trail Estates, LLC**, a Missouri limited liability company, that he executed this Agreement on behalf of said limited liability company, as the free act and deed of said limited liability company, and pursuant to the authority vested in him to execute this Agreement by the members of said limited liability company, that the foregoing Agreement is binding in all respects upon said limited liability company, and that said limited liability company is duly empowered by its operating agreement to enter into this Agreement.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
Commissioned in \_\_\_\_\_ County, MO

My commission expires \_\_\_\_\_.

## **EXHIBIT A**

### **Legal Description**

THREE (3) TRACTS OF LAND LOCATED IN SECTION 1, TOWNSHIP 47 NORTH, RANGE 13 WEST AND BEING ALL OF TRACTS 1, 2, AND 3 OF THE SURVEY RECORDED IN BOOK 3080, PAGE 187, ALSO BEING ALL OF A TRACT OF LAND SHOWN BY THE SURVEY RECORDED IN BOOK 2920, PAGE 90, COLUMBIA, BOONE COUNTY, MISSOURI AND CONTAINING, 35.84 ACRES.