

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** B 87-15

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** 4/20/2015

**Re:** Kitty Hawk Manor, Plat No. 5 - final plat and easement vacation (Case #15-85)

## Documents Included With This Agenda Item

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

**Supporting documentation includes:** Maps, Plats and Plans

## Executive Summary

Approval of this request will create a 12-lot final plat on R-1 (One-family Dwelling District) zoned land, to be known as "Kitty Hawk Manor, Plat No. 5", and vacate a utility easement.

## Discussion

The applicant is proposing to create a 12-lot single-family subdivision on R-1 zoned land that includes additional right of way and easement dedications as well as proposes to vacate an existing utility easement that is no longer necessary. The 2.83-acre subject site is located on the south side of Gypsy Moth Drive, approximately 150 feet west of Parker Street. The site is located within the "Kitty Hawk Manor" preliminary plat that was approved November 17, 2014, and is also a partial replat of the final plat for "Kitty Hawk Manor Plat No. 2".

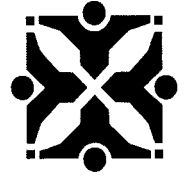
Gypsy Moth Drive, which represents the northern boundary of the subdivision, was dedicated by a previous final plat but not constructed. The proposed plat will dedicate additional right of way at the west end of the property for Stinson Avenue which will connect to an existing portion of Stinson Avenue located to the south of the subdivision. Once connected Stinson Avenue will provide a second means of access to the subject property from Parker Street via Kitty Hawk Drive which was a condition of the preliminary plat approval of "Kitty Hawk Manor".

A second point of access ensures that emergency services have adequate access to both the proposed subdivision and the developed properties along Kitty Hawk. In addition, no additional residential development would have been permitted along Kitty Hawk without a second access point, due to restrictions on the number of dwelling units in a subdivision that has only one point of public street access.

In conjunction with the final plat, the applicant is requesting the vacation of a utility easement that was granted with "Kitty Hawk Manor Plat No. 2" and is located on Lot 6 of the proposed plat. The easement was not utilized, and with the proposed replatting of the lots, the easement is no longer necessary. Staff supports the vacation request.

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Staff finds that the final plat is in substantial compliance with the "Kitty Hawk Manor" preliminary plat, is in technical compliance with all relevant subdivision regulations, and recommends approval.

## Fiscal Impact

Short-Term Impact: Limited short-term impact. All infrastructure extension will be a developer's expense.

Long-Term Impact: Long-term impact would include infrastructure maintenance and public safety services. Such increased costs may be offset by increased property taxes and user fees.

## Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management

## Suggested Council Action

Approval of the final plat for "Kitty Hawk Manor, Plat No. 5" and associated utility easement vacation.

## Legislative History

Resolution #216-14 (11/17/14): Approved "Kitty Hawk Manor" preliminary plat

  
\_\_\_\_\_  
Department Approved

  
\_\_\_\_\_  
City Manager Approved

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

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

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

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

Council Bill No. B 87-15

### **AN ORDINANCE**

approving the Final Plat of Kitty Hawk Manor, Plat No. 5, a Replat of Lots 57 through 65 and part of Lot 66 of Kitty Hawk Manor Plat No. 2; accepting the dedication of rights-of-way and easements; authorizing a performance contract; vacating a utility easement located on Lot 6 within Kitty Hawk Manor, Plat No. 5; directing the City Clerk to have a copy of this ordinance recorded; 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 Kitty Hawk Manor, Plat No. 5, a Replat of Lots 57 through 65 and part of Lot 66 of Kitty Hawk Manor Plat No. 2, as certified and signed by the surveyor on April 8, 2015, a subdivision located on the south side of Gypsy Moth Drive and west of Parker Street, containing approximately 2.83 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 Windy Point Partners, LLC in connection with the approval of the Final Plat of Kitty Hawk Manor, Plat No. 5. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. The City Council finds and determines that a certain utility easement, more particularly described as follows:

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOTS 60 AND 61 OF KITTY HAWK MANOR, PLAT NO. 2 RECORDED IN PLAT BOOK 12, PAGE 66 AND BY THE WARRANTY DEEDS RECORDED IN BOOK 768, PAGE 554 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 56 OF SAID KITTY HAWK MANOR, PLAT NO. 2, THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF GYPSY MOTH DRIVE, S 89°51'30"W, 364.56 FEET; THENCE LEAVING THE SOUTH RIGHT-OF-WAY LINE OF GYPSY MOTH DRIVE S 0°08'30"E, 18.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, SAID STRIP BEING 16-FOOT WIDE AND LYING 8 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE, S 0°08'30"E, 113.62 FEET TO THE END OF THIS DESCRIBED CENTERLINE.

is in excess and surplus to the needs of the City and is hereby vacated.

SECTION 5. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be recorded in the office of the Recorder of Deeds of Boone County, Missouri.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

## PERFORMANCE CONTRACT

This contract is entered into on this day \_\_\_\_\_ of \_\_\_\_\_, 2015 between the City of Columbia, MO ("City") and **Windy Point Partners, 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 **Kitty Hawk Manor, Plat No. 5**, 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

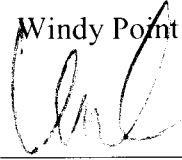
BY: \_\_\_\_\_  
Mike Matthes, City Manager

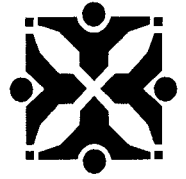
ATTEST:

\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

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

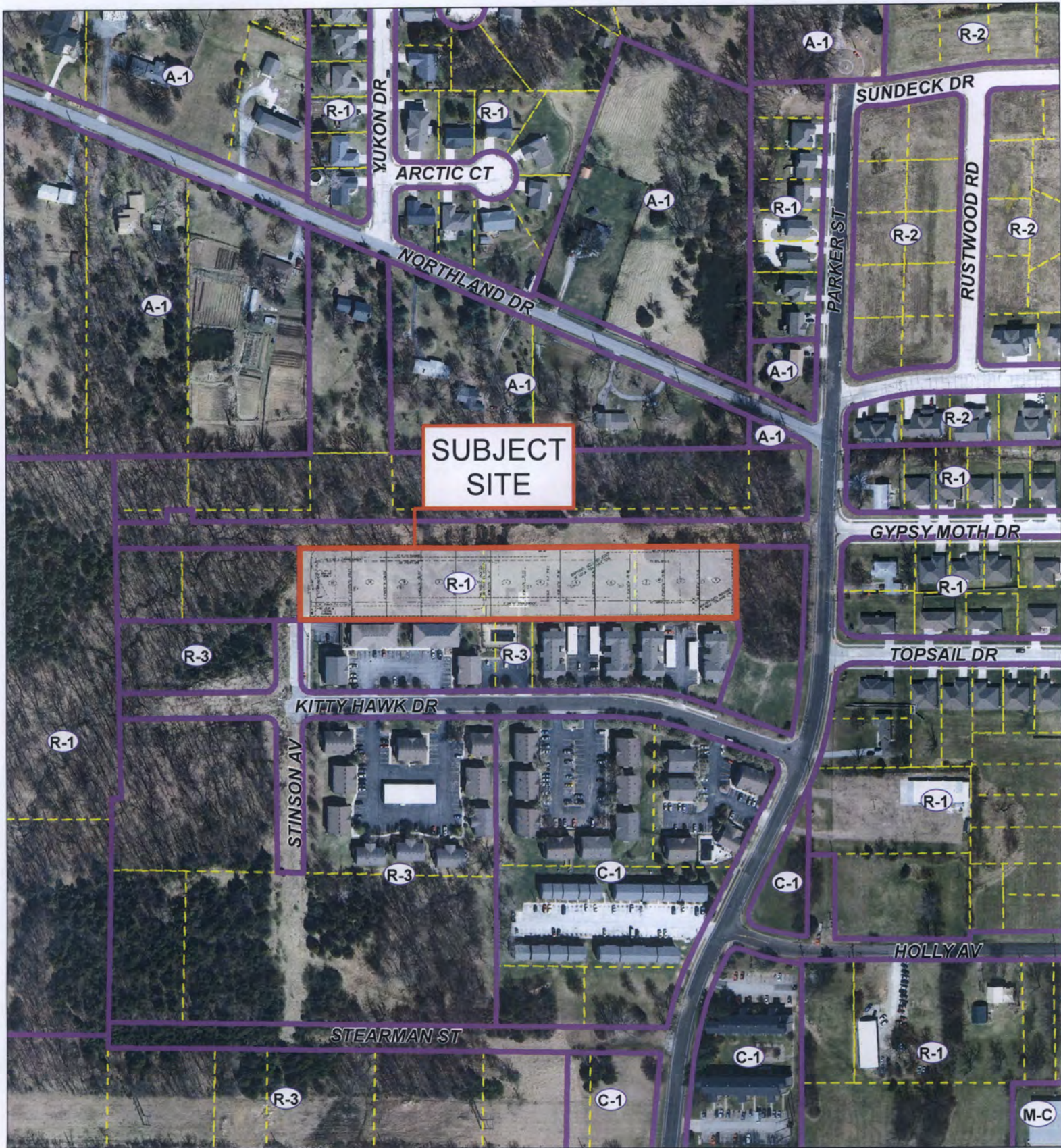
Windy Point Partners, LLC.  
BY:  \_\_\_\_\_  
JENNIFER



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

Maps, Plats and Plans





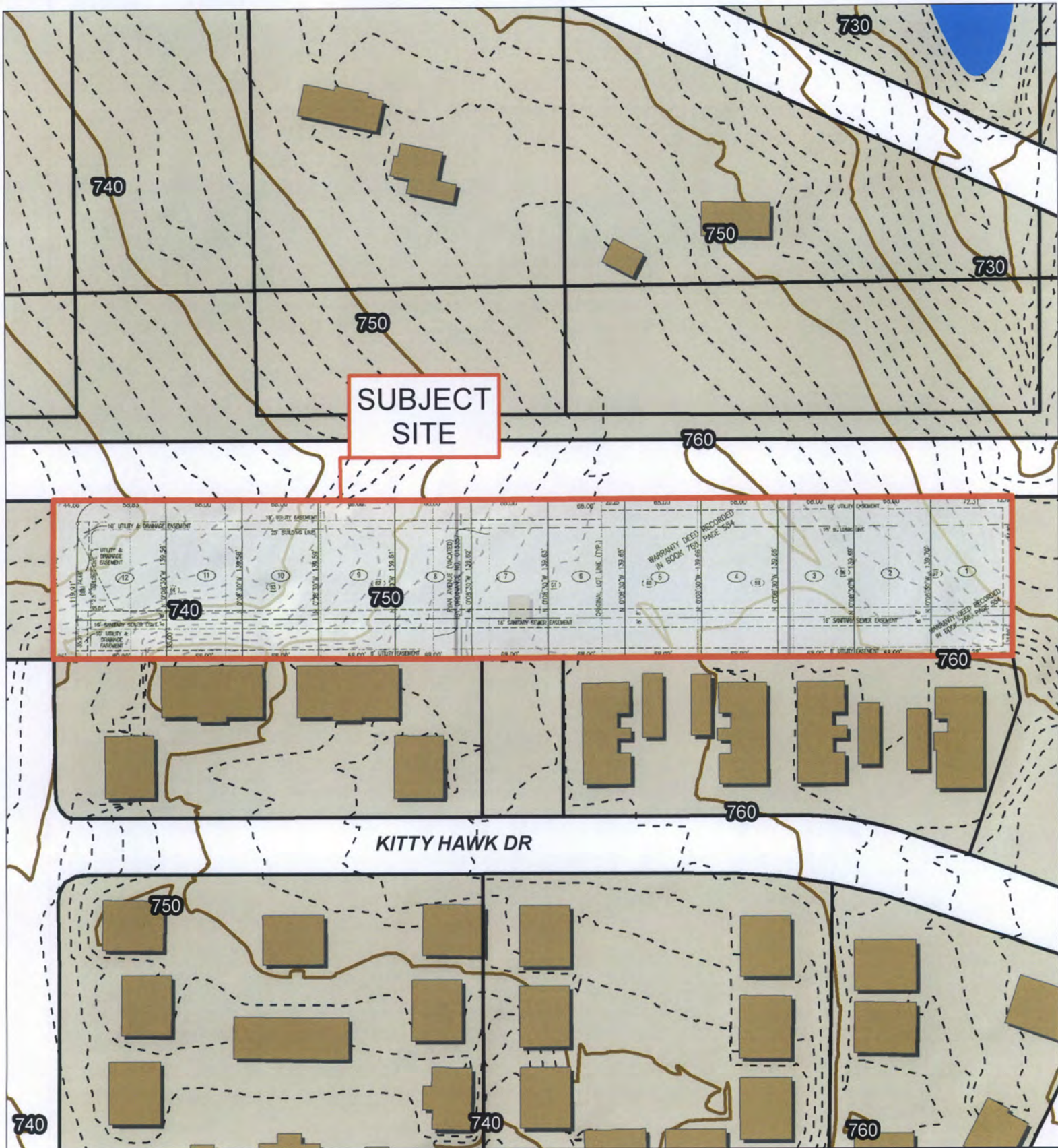
## 15-85: Kitty Hawk Manor Plat 5 Final Plat



- City of Columbia Zoning
- Parcels







## 15-85: Kitty Hawk Manor Plat 5 Final Plat



— 10 Foot Contour Lines  
- - - 2 Foot Contour Lines



Parcels



Building Footprint



Bodies of Water

Columbia City Limit







## 15-85: Kitty Hawk Manor Plat 5 Final Plat



● City Sanitary Structure

— City Sanitary Line

■ Building Footprint

● Private Sanitary Structure

— Private Sanitary Line

■ Parcels





FILED FOR RECORD IN BOONE COUNTY, MISSOURI  
KATHY HAWK, REGISTERED SURVEYOR

# FINAL PLAT KITTY HAWK MANOR, PLAT No. 5

A MAJOR REPLAT OF LOTS 57 THROUGH 65 & PART OF LOT 66 OF KITTY HAWK  
MANOR PLAT NO. 2, LOCATED IN THE NORTH HALF OF  
SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST  
COLUMBIA, BOONE COUNTY, MISSOURI  
MARCH 2, 2015

## NOTES:

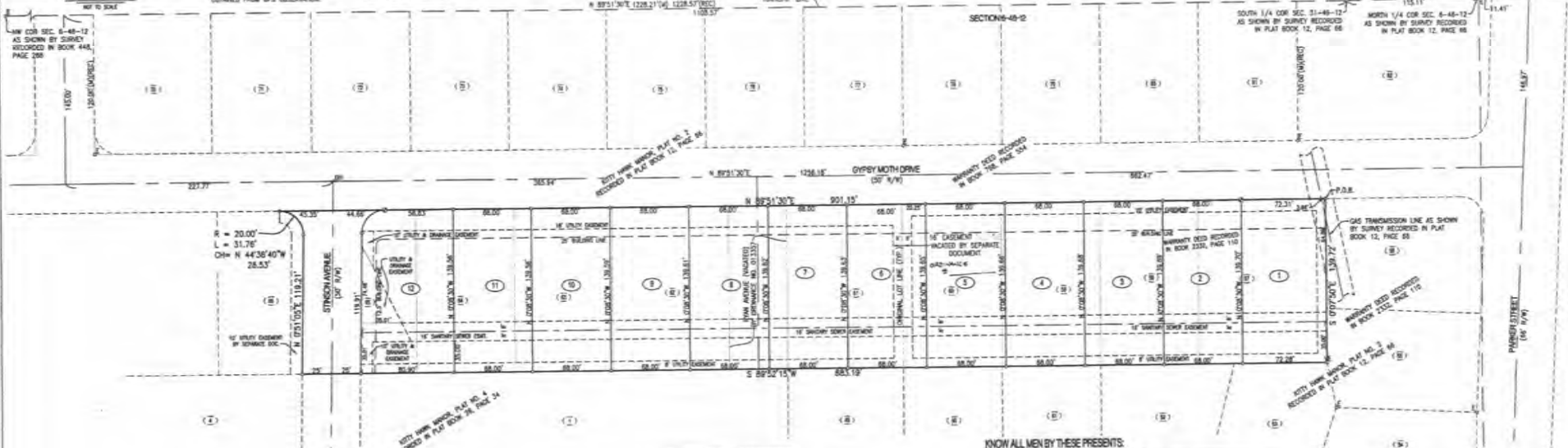
1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAPS, PANEL NO. 2 29019C2800 & 29019C2850, DATED MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 200.00-16.00(2)(5).
3. BUILDING LINES AS WELL AS EASEMENTS PREVIOUSLY DEDICATED ON KITTY HAWK MANOR PLAT NO. 2 ARE TO BE REDEDICATED AS PART OF THIS PLAT. THE STREET DEDICATED AS KATHY AVENUE IS VACATED BY SEPARATE ACTION.
4. SECOND TITLE INFORMATION WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, FILE NO. 1404845 AND 1404847, DATED AUGUST 19, 2014.
5. THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 13A-130, ARTICLE 8 OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THIS WAS SHOWN ON A PLAT PRIOR TO THE ADOPTION OF THE ORDINANCE.
6. ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.

## LEGEND:

- 1. EXISTING
- 2. SET
- 3. 1/2" IRON PIPE
- 4. (UNLESS NOTED OTHERWISE)
- 5. PERMANENT MONUMENT
- 6. MEASURED DISTANCE
- 7. RECORDED DISTANCE
- 8. DRAIN HOLE
- 9. W/ CHISELS
- 10. P.O.B. POINT OF BEGINNING

SCALE: 1"=40'

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



## KNOW ALL MEN BY THESE PRESENTS:

THAT BURMAN COMPANIES, INC. IS AN OWNER OF THE HEREIN DESCRIBED TRACT AND THAT SAID CORPORATION 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 HERETOFORE BE KNOWN AS KITTY HAWK MANOR, PLAT NO. 5.

IN WITNESS WHEREOF, BURMAN COMPANIES, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT/CEO AND ATTESTED BY ITS SECRETARY, WITH SEAL TO BE ATTACHED THIS 2<sup>ND</sup> DAY OF April, 2015.

ATTEST: *[Signature]*  
KIMBERLY K. FLORES, SECRETARY  
BURMAN COMPANIES, INC.  
STATE OF Missouri  
COUNTY OF Boone

ON THIS 2<sup>ND</sup> DAY OF April, 2015 BEFORE ME PERSONALLY APPEARED TIMOTHY B. BURMAN, TO ME KNOWN WHO BY ME DULY SHOWN, DID SAY THAT HE IS THE PRESIDENT/CEO OF SAID CORPORATION AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID CORPORATION.

*[Signature]*  
TIMOTHY B. BURMAN  
MY COMMISSION EXPIRES: 12/31/15  
COMMISSION NUMBER: 1127177

STATE OF Missouri  
COUNTY OF Boone

ON THIS 2<sup>ND</sup> DAY OF April, 2015 BEFORE ME PERSONALLY APPEARED KIMBERLY K. FLORES, TO ME KNOWN WHO BY ME DULY SHOWN, DID SAY THAT SHE IS THE SECRETARY OF SAID CORPORATION AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HER FREE ACT AND THE FREE ACT AND DEED OF SAID CORPORATION.

*[Signature]*  
KIMBERLY K. FLORES  
MY COMMISSION EXPIRES: 12/31/15  
COMMISSION NUMBER: 1127177

## KNOW ALL MEN BY THESE PRESENTS:

THAT WINNY POINT PARTNERS, LLC IS AN OWNER OF THE HEREIN 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 HERETOFORE BE KNOWN AS KITTY HAWK MANOR, PLAT NO. 5.

IN WITNESS WHEREOF, WINNY POINT PARTNERS, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS GENERAL MANAGER AND ATTESTED BY ITS SECRETARY, WITH SEAL TO BE ATTACHED THIS 2<sup>ND</sup> DAY OF April, 2015.

ATTEST: *[Signature]*  
MICHAEL A. BURMAN, MEMBER & MANAGER  
WINNY POINT PARTNERS, LLC  
KIMBERLY K. FLORES, MEMBER & MANAGER  
WINNY POINT PARTNERS, LLC  
STATE OF Missouri  
COUNTY OF Boone

ON THIS 2<sup>ND</sup> DAY OF April, 2015 BEFORE ME PERSONALLY APPEARED MICHAEL A. BURMAN, TO ME KNOWN WHO BY ME DULY SHOWN, DID SAY THAT HE IS A MEMBER OF SAID CORPORATION AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID CORPORATION.

*[Signature]*  
MICHAEL A. BURMAN  
MY COMMISSION EXPIRES: 12/31/15  
COMMISSION NUMBER: 1127177

STATE OF Missouri  
COUNTY OF Boone

ON THIS 2<sup>ND</sup> DAY OF April, 2015 BEFORE ME PERSONALLY APPEARED KIMBERLY K. FLORES, TO ME KNOWN WHO BY ME DULY SHOWN, DID SAY THAT SHE IS A MEMBER OF SAID CORPORATION AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HER FREE ACT AND THE FREE ACT AND DEED OF SAID CORPORATION.

*[Signature]*  
KIMBERLY K. FLORES  
MY COMMISSION EXPIRES: 12/31/15  
COMMISSION NUMBER: 1127177

## CERTIFICATION:

I HEREBY CERTIFY THAT IN FEBRUARY OF 2015, I COMPLETED A SURVEY AND SUBDIVISION FOR WINNY POINT PARTNERS, LLC AND BURMAN COMPANIES, INC. OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF LOTS 57 THROUGH 65 AND PART OF LOT 66 OF KITTY HAWK MANOR, PLAT NO. 2 RECORDED IN PLAT BOOK 12, PAGE 66 AND PART OF VACATED KATHY AVENUE, APPROVED BY ORDINANCE NO. 613357 AND FURTHER BEING DESCRIBED BY THE INHERENT DEEDS RECORDED IN BOOK 18A, PAGE 554 AND BOOK 2332, PAGE 118 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 58 OF SAID KITTY HAWK MANOR, PLAT NO. 2, THENCE WITH THE LINES OF SAID LOT 58 87°15'15" E, 138.72 FEET, THENCE WITH THE NORTH LINE OF LOTS 48, 58, 55, 53, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 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944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVISION AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:

CHICKETT ENGINEERING CONSULTANTS, LLC  
3905 NORTH COLUMBIA BLVD.  
COLUMBIA, MO 65202

CORPORATE NUMBER: 2000015100

*[Signature]*  
DAVID T. BUTCHER, PLS-2002014000

DATE: 1/8/15



STATE OF Missouri  
COUNTY OF Boone

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 2<sup>ND</sup> DAY OF April, 2015.

*[Signature]*  
KIMBERLY K. FLORES  
NOTARY PUBLIC  
MY COMMISSION EXPIRES APRIL 22, 2018  
COMMISSION NUMBER 14855467

RESIDENT FARMER  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Boone County  
Commission # 14855467  
My Commission Expires: April 22, 2018

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS DAY OF April, 2015.

ROBERT MCGRAW, MAYOR

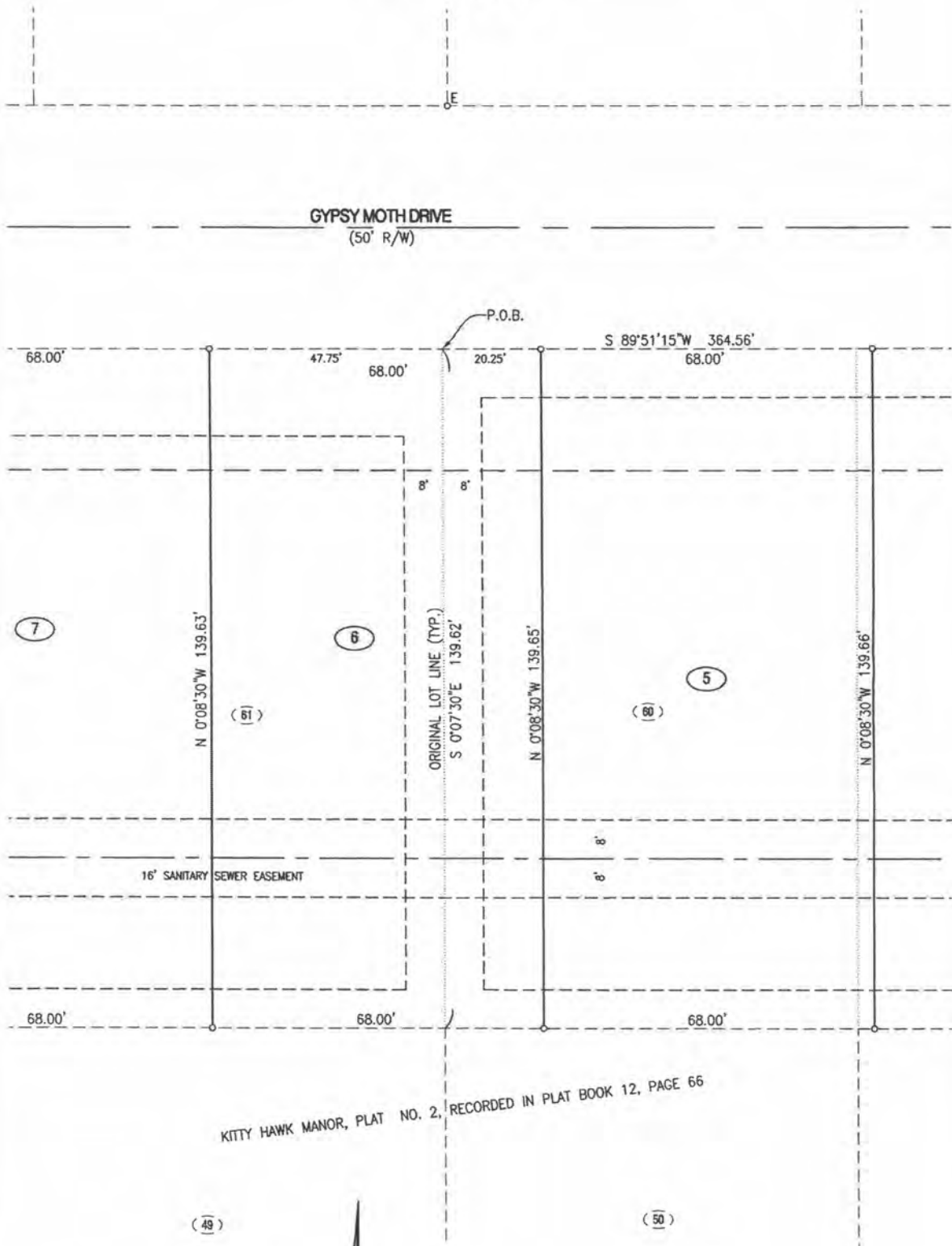
SHEILA ANNA, CITY CLERK



# KITTY HAWK MANOR

## VACATED EASEMENT EXHIBIT

APRIL 10, 2015



PREPARED BY:

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