

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 123-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 18, 2015

Re: Creek Ridge Plat 1 - updated performance contract (Case #15-129)

Documents Included With This Agenda Item

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

Supporting documentation includes: Maps and plat

Executive Summary

Approval of this request will result in the authorization of an updated performance contract between the City and the current owner of Creek Ridge Plat 1 subdivision, which will replace a contract that was entered into with a previous owner and has since expired.

Discussion

The applicant is requesting approval of an updated performance contract, which will replace the original performance contract that was approved with the final plat of Creek Ridge Plat 1 in 2005. The original contract, which placed obligations on the original owner/developer to install all public improvements within 36 months of subdivision approval, expired in June, 2008. None of the required improvements have been completed to date. The new owner proposes to enter into a new agreement with the City, which will subject him to the same obligations and allow development to commence.

Locator maps and a copy of the previously approved final plat 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: Development of this site will increase demands on the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands may or may not be offset by increased property and/or sales tax revenues and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Growth Management

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Suggested Council Action

Approve the newly requested performance contract

Legislative History

June 6, 2005: Council approved Creek Ridge Plat 1 (Ordinance #018526)

Patrick R. Zenner, for CJ
Department Approved

[Signature]
City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 123-15

AN ORDINANCE

authorizing a performance contract with Fred Overton Development, Inc. in connection with the Final Plat of Creek Ridge, Plat 1 located on the south side of Old Plank Road and west of Bethel Church Road; 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 Manager is hereby authorized to execute a performance contract with Fred Overton Development, Inc. in connection with the Final Plat of Creek Ridge, Plat 1 located on the south side of Old Plank Road and west of Bethel Church Road. The form and content of the performance contract shall be substantially as set forth in "Exhibit A" attached hereto, which replaces the performance contract attached to Ordinance No. 018526 passed on June 6, 2005.

SECTION 2. 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 **Fred Overton Development, Inc..** (“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 **Creek Ridge, Plat 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

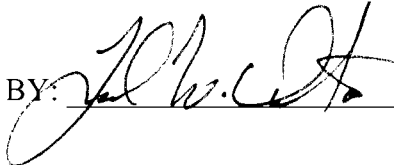
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY:  _____



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps and plat



15-129: Creek Ridge Plat 1 Updated Performance Contract



City of Columbia Zoning



Boone County Zoning

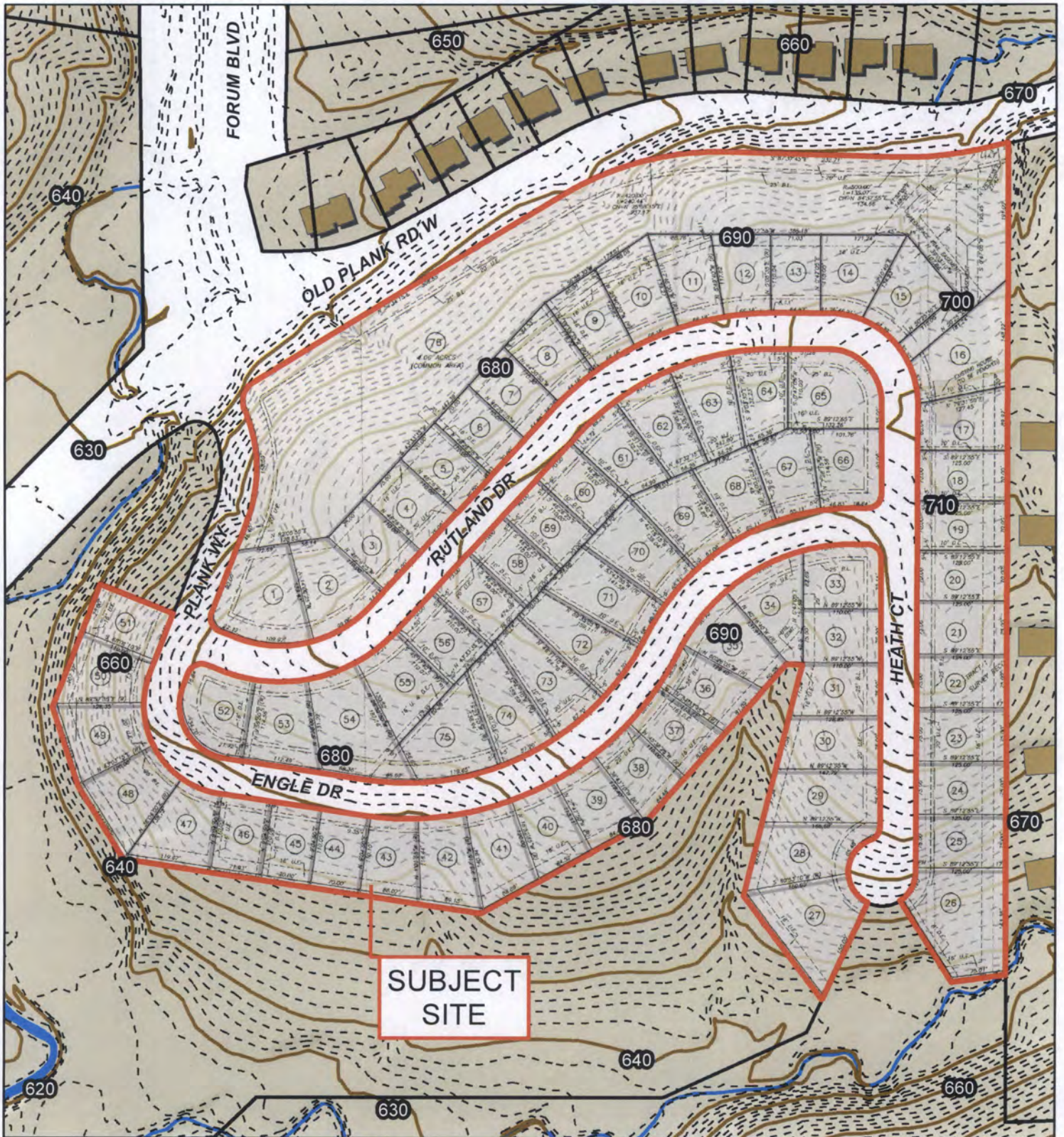


100-Year Flood Plain



Parcels



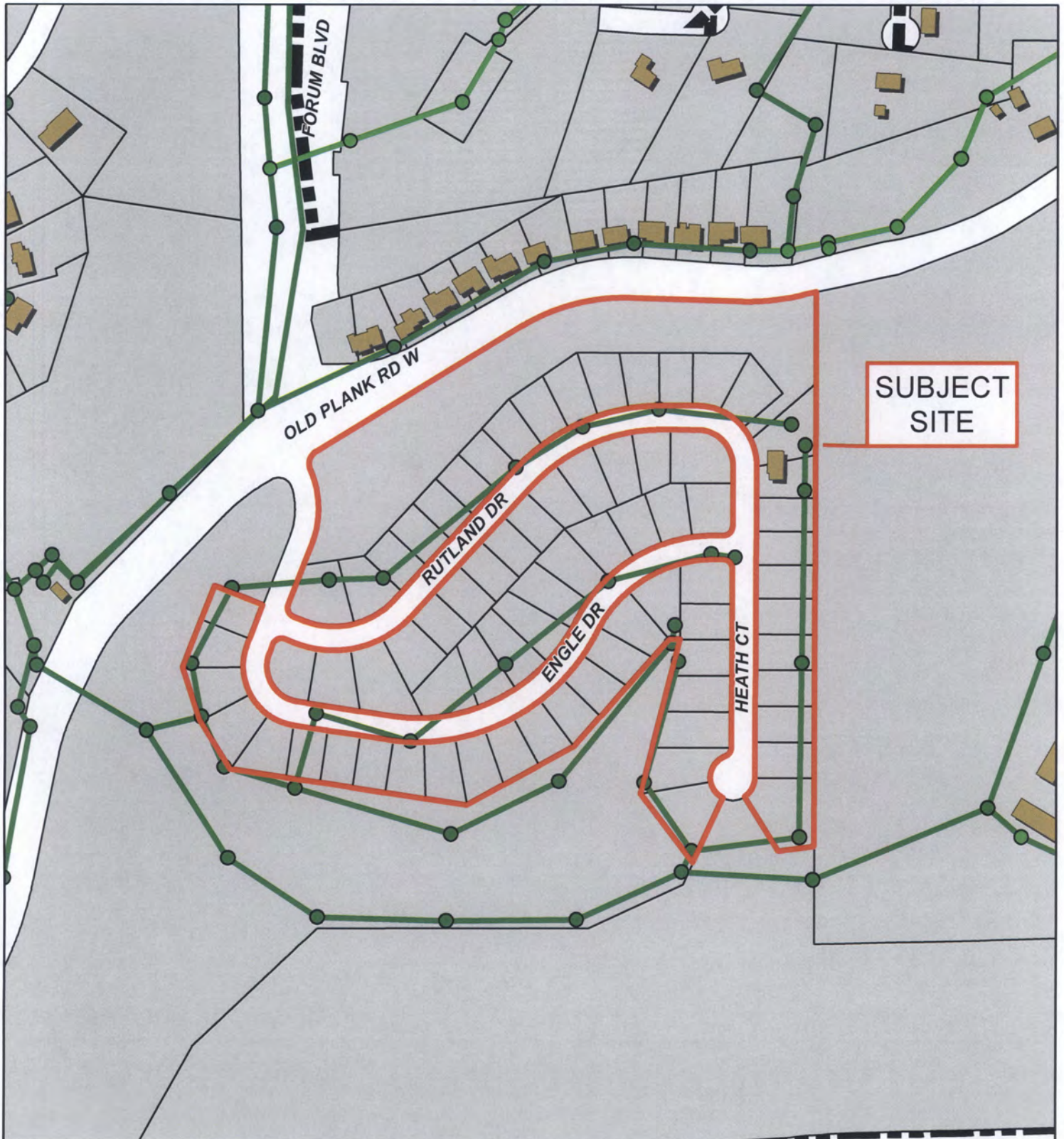


15-129: Creek Ridge Plat 1 Updated Performance Contract









- 10 Foot Contour Lines
 Stream
 Building Footprint
- 2 Foot Contour Lines
 Parcels
 Bodies of Water





15-129: Creek Ridge Plat 1 Updated Performance Contract



- | | | |
|---|--|---|
|  BCRSD |  BCRSD |  Building Footprint |
|  City Sanitary Structure |  City Sanitary Line |  Parcels |





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

CREEK RIDGE PLAT 1

APRIL 11, 2005

NORTH 1/4 CORNER OF SECTION
2-47-13 AS SHOWN BY THE
HIGHLANDS PLAT 10-C, RECORDED
IN PLAT BOOK 24, PAGE 10

LOCATION MAP
(NOT TO SCALE)



BEARINGS ARE REFERENCED TO GRID NORTH
FROM THE MISSOURI STATE PLANE COORDINATE
SYSTEM, CENTRAL ZONE, OBTAINED FROM GPS
OBSERVATIONS.

- LEGEND**
- IRON PIPE (UNLESS NOTED OTHERWISE)
 - EXISTING
 - SET
 - PERMANENT MONUMENT
 - (—) RAIL LINE
 - (REC.) RECORD MEASUREMENT
 - ⊙ 3/4" DRILL HOLE WITH CHISELED "X"
 - CENTERLINE
 - U.E. UTILITY EASEMENT
 - D.E. DRAINAGE EASEMENT
 - B.L. BUILDING LINE



CURVE DATA				
A	B	L	E	P
1	32.2245°	175.00'	150.88'	88.01'
2	89.2515°	208.00'	239.83'	135.91'
3	47.1730°	400.00'	228.88'	174.84'
4	90.0000°	100.00'	100.00'	100.00'
5	67.1614°	200.00'	150.85'	184.45'
6	77.2918°	400.00'	448.88'	287.82'
7	107.9420°	100.00'	138.88'	128.44'
8	90.0000°	100.00'	100.00'	100.00'
9	89.2515°	208.00'	239.83'	135.91'
10	47.1730°	400.00'	228.88'	174.84'

FLOOD PLAIN STATEMENT
THE APPROXIMATE LOCATION OF THE 100-YEAR
FLOOD PLAIN IS LOCATED AS SHOWN.

SURVEY AND PLAT BY
ALISTAR CONSULTANTS, P.C.

James R. Jeffries
JAMES R. JEFFRIES, PLS 2500
April 13, 2005
DATE

Recorded in Boone County, Missouri
Date and Time 06/07/2005 at 02:27:43 PM
Instrument # 20050154005 5000-18
Owner: SURVEY & ENGINEERING ASSOCIATES
BOONE COUNTY, MISSOURI
CREEK RIDGE PLAT 1

Instrument Type: PLAT
Quantity: Two (2) 11x17
No. of Pages: 1

SHEET 1 OF 2

KNOW ALL MEN BY THESE PRESENTS

JEFFREY E. SMITH DEVELOPMENT, INC., BEING SOLE OWNER OF THE DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SURVEYED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, JEFFREY E. SMITH HAS CAUSED THESE PRESENTS TO BE SIGNED, EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE, FOREVER.

BLANK HWY, INLAND DRIVE, HEATH COURT, ENGLE DRIVE AND THE ADDITIONAL RIGHT-OF-WAY FOR OLD BLANK ROAD ARE HEREBY DEDICATED FOR PUBLIC USE FOREVER.

JEFFREY E. SMITH DEVELOPMENT, INC.

JEFFREY E. SMITH, PRESIDENT

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS 20th DAY OF APRIL, 2005, IN THE YEAR 2005, BEFORE ME, J. SNOWFIELD, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JEFFREY E. SMITH, PRESIDENT OF JEFFREY E. SMITH DEVELOPMENT, INC., KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN FINAL PLAT ON BEHALF OF SAID CORPORATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 26, 2006

J. SNOWFIELD
Notary Public - Missouri
State of Missouri
My Commission Expires December 26, 2006

FINAL PLAT CREEK RIDGE PLAT 1 APRIL 11, 2005

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTH-HALF OF SECTION 2, TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2648, PAGE 80 AND PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 297, PAGE 303 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 2-47-13, THENCE WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION, 58925'20"W, 130.00 FEET TO THE POINT OF BEGINNING.

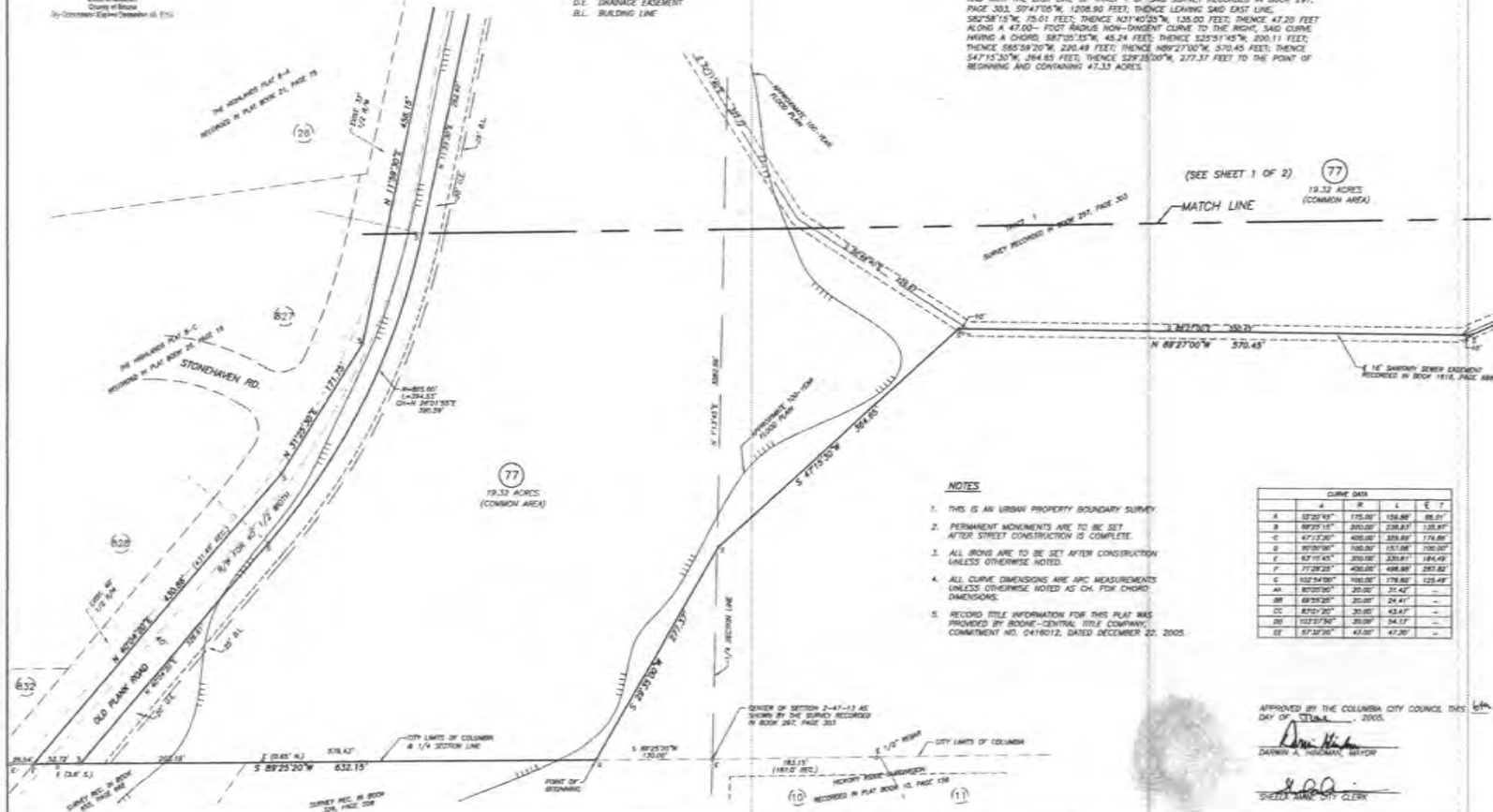
THENCE FROM THE POINT OF BEGINNING, CONTINUING 58925'20"W, 632.15 TO THE SOUTHWEST CORNER OF THE HIGHLANDS PLAT 4-C, RECORDED IN PLAT BOOK 25, PAGE 16 IN THE CENTER OF OLD BLANK ROAD, THENCE LEAVING SAID SOUTH LINE AND WITH THE CENTER OF OLD BLANK ROAD AS SHOWN BY SAID THE HIGHLANDS PLAT 4-C, 430.86 FEET, THENCE N07'25'30"E, 171.75 FEET, THENCE N17'59'30"E, 456.15 FEET TO THE SOUTHWEST CORNER OF THE HIGHLANDS PLAT 10-C, RECORDED IN PLAT BOOK 25, PAGE 36, THENCE WITH THE LINES OF SAID THE HIGHLANDS PLAT 10-C, 102'11'30"E, 238.73, THENCE N44'44'45"E, 358.70 FEET, THENCE N06'35'10"E, 282.80 FEET TO THE SOUTHWEST CORNER OF SAID THE HIGHLANDS PLAT 10-C AND THE SOUTHWEST CORNER OF ROCKY CREEK ESTATES, SUBDIVISION, RECORDED IN PLAT BOOK 30, PAGE 28, THENCE LEAVING THE LINES OF SAID THE HIGHLANDS PLAT 10-C AND WITH THE LINES OF SAID ROCKY CREEK ESTATES, N52'34'15"E, 644.00 FEET, THENCE S81'53'30"E, 270.00 FEET, THENCE N81'53'40"E, 150.55 FEET TO THE SOUTHWEST CORNER OF SAID ROCKY CREEK ESTATES, THENCE LEAVING THE LINES OF SAID ROCKY CREEK ESTATES, CONTINUING N81'53'40"E, 75.85 FEET, THENCE LEAVING THE CENTER OF SAID OLD BLANK ROAD AND WITH THE EAST LINE OF TRACT 1 OF SAID SURVEY RECORDED IN BOOK 297, PAGE 303, S29'47'00"W, 1008.00 FEET, THENCE LEAVING SAID EAST LINE, S29'58'15"W, 75.01 FEET, THENCE N07'40'35"W, 138.00 FEET, THENCE 47.20 FEET ALONG A 47.00-FOOT RADIAL NON-TANGENT CURVE TO THE RIGHT, SAID CURVE, HAVING A CHORD, 587'05'15"W, 45.24 FEET, THENCE S25'51'45"W, 300.11 FEET, THENCE S85'58'20"W, 220.48 FEET, THENCE N09'27'00"W, 570.45 FEET, THENCE S47'15'30"W, 184.45 FEET, THENCE S25'51'45"W, 277.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 47.33 ACRES.

SCALE: 1" = 60'

BEARINGS ARE REFERENCED TO GRID NORTH FROM THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, OBTAINED FROM GPS OBSERVATIONS

LEGEND

- (S) IRON PIPE (UNLESS NOTED OTHERWISE)
- (E) EXISTING
- (S) SET
- (P) PERMANENT MONUMENT
- (R) RADIAL LINE
- (RED) RECORD MEASUREMENT
- (M) GROUND POLE WITH CHIEFED "X"
- (C) CENTERLINE
- (L) UTILITY EASEMENT
- (D) DRAINAGE EASEMENT
- (BL) BUILDING LINE



I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY, SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS

SURVEY AND PLAT BY
ALLSTATE CONSULTANTS, P.C.

James S. Jeffries, PLS 2500
APRIL 17, 2005
DATE

STATE OF MISSOURI }
COUNTY OF BOONE } SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 21st DAY OF April, 2005.

Miss E. O'Leary
MAR 24 2005

NOTARY PUBLIC
MY COMMISSION EXPIRES JANUARY 10, 2006



NOTES

- THIS IS AN URBAN PROPERTY BOUNDARY SURVEY.
- PERMANENT MONUMENTS ARE TO BE SET AFTER STREET CONSTRUCTION IS COMPLETE.
- ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
- ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS UNLESS OTHERWISE NOTED AS CH. FOR CHORD DIMENSIONS.
- RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, COMMITMENT NO. 0418012, DATED DECEMBER 20, 2005.

CURVE DATA						
A	B	L	E	T		
A	107'00" E	175.00'	108.88'	88.01'		
B	89'25'15"	200.00'	238.83'	135.83'		
C	107'00" E	175.00'	108.88'	88.01'		
D	107'00" E	175.00'	108.88'	88.01'		
E	87'15'45"	300.00'	230.81'	184.49'		
F	77'29'25"	450.00'	408.88'	281.82'		
G	102'34'30"	190.00'	179.88'	123.45'		
H	107'00" E	175.00'	108.88'	88.01'		
I	89'25'15"	200.00'	238.83'	135.83'		
J	87'15'45"	300.00'	230.81'	184.49'		
K	87'15'45"	300.00'	230.81'	184.49'		
L	107'00" E	175.00'	108.88'	88.01'		

FLOOD PLAIN STATEMENT
THE APPROXIMATE LOCATION OF THE 100-YEAR FLOOD PLAIN IS LOCATED AS SHOWN.

APPROVED BY THE COLUMBIA CITY COUNCIL THIS 6th DAY OF APRIL, 2005.

Darwin A. Hordman, Mayor

800
SHEILA MAE CITY CLERK