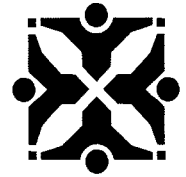


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 204-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 7/20/2015

Re: Vesser's Subdivision Plat No. 2 (Case 15-123)

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 plat will result in the consolidation of 15 parcels into two development lots and dedicate additional right of way for Providence Road, Turner Avenue, Fifth Street, and Fourth Street north of Conley Avenue. The consolidated lots will be redeveloped into a 182 unit (728 bed) student housing complex by American Campus Communities.

Discussion

The applicant is seeking approval of a final plat that will consolidate 15 existing lots into two lots separated by Fourth Street. Lot 1 contains 1.49 acres and Lot 2 contains 2.07 acres for a total of 3.56 acres which were rezoned to PUD 52 in August 2014. The future lots are subject to a site specific PUD development plan and a development agreement to accommodate a 182 unit (728 bed) student housing complex.

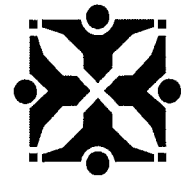
The proposed plat will dedicate additional right of way along Providence Road, Turner Avenue, Fifth Street, and Fourth Street north of Conley Avenue to accommodate future roadway improvements. These dedications are consistent with those shown on the approved PUD development plan. Additionally, the plat establishes all building setback lines as required by the PUD development plan.

At this time site development (land disturbance) plans have been submitted for permitting; however, no building construction plans have been received. This plat is being presented in order to facilitate the property sale (tentatively scheduled for August 7) between the current owner and the contract purchaser. A separate request to vacate Fourth Street (Case 15-123A) is tentatively scheduled to be introduced to Council on August 3. Approval of the attached plat prior to consideration of the vacation request is necessary to ensure that property sale documents correctly describe the property which will be conveyed.

Internal departments and external review agencies have reviewed the plat and find it complies with the subdivision regulations. The plat matches the approved PUD development plan which served as the preliminary plat for the property. A copy of the plat is attached for review.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Fiscal Impact

Short-Term Impact: Limited. All public infrastructure installation expenses to serve the redeveloped lots will be borne by the applicant. Additionally, the applicant was obligated per the development agreement to contribute \$300,000 to the reconstruction/rehabilitation of the connecting sanitary sewer main serving the site. The development agreement further addresses City responsibilities to ensure that there will be adequate capacity within its utilities to support the redevelopment at the end of its construction period.

Long-Term Impact: Minimal. Redevelopment of the site may result in increased demands on public safety and utility services as well as increase maintenance of public infrastructure. Such impacts may or may not be offset by increased user fees and property/sales tax revenues.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development, Transportation

Strategic Plan Impact: Growth Management, Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management, Infrastructure, Mobility, Connectivity, and Accessibility

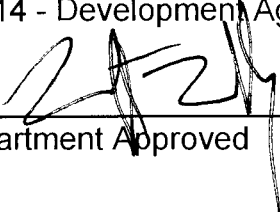
Suggested Council Action


Approval

Legislative History

8/18/14 - Rezone (R-3 to PUD 52) and PUD development plan (Ord. 22169)

8/18/14 - Development Agreement approval (Ord. 22170)


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 204-15

AN ORDINANCE

approving the Replat and Final Plat of Vesser's Subdivision Plat No. 2, a minor 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 Replat and Final Plat of Vesser's Subdivision Plat No. 2, as certified and signed by the surveyor on June 26, 2015, a minor subdivision located on the west side of Fifth Street, between Turner Avenue and Conley Avenue, containing approximately 3.81 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 Ginger C, LLC in connection with the approval of the Replat and Final Plat of Vesser's Subdivision 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 _____, 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 **Ginger C, 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 **Vesser's Subdivision, Plat 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

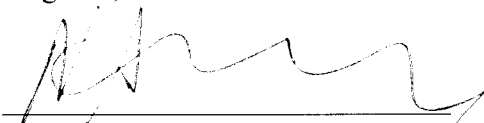
ATTEST:

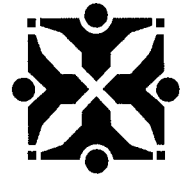
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Ginger C, LLC.

BY: _____
Nakhle H. Asmar, Manager



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans



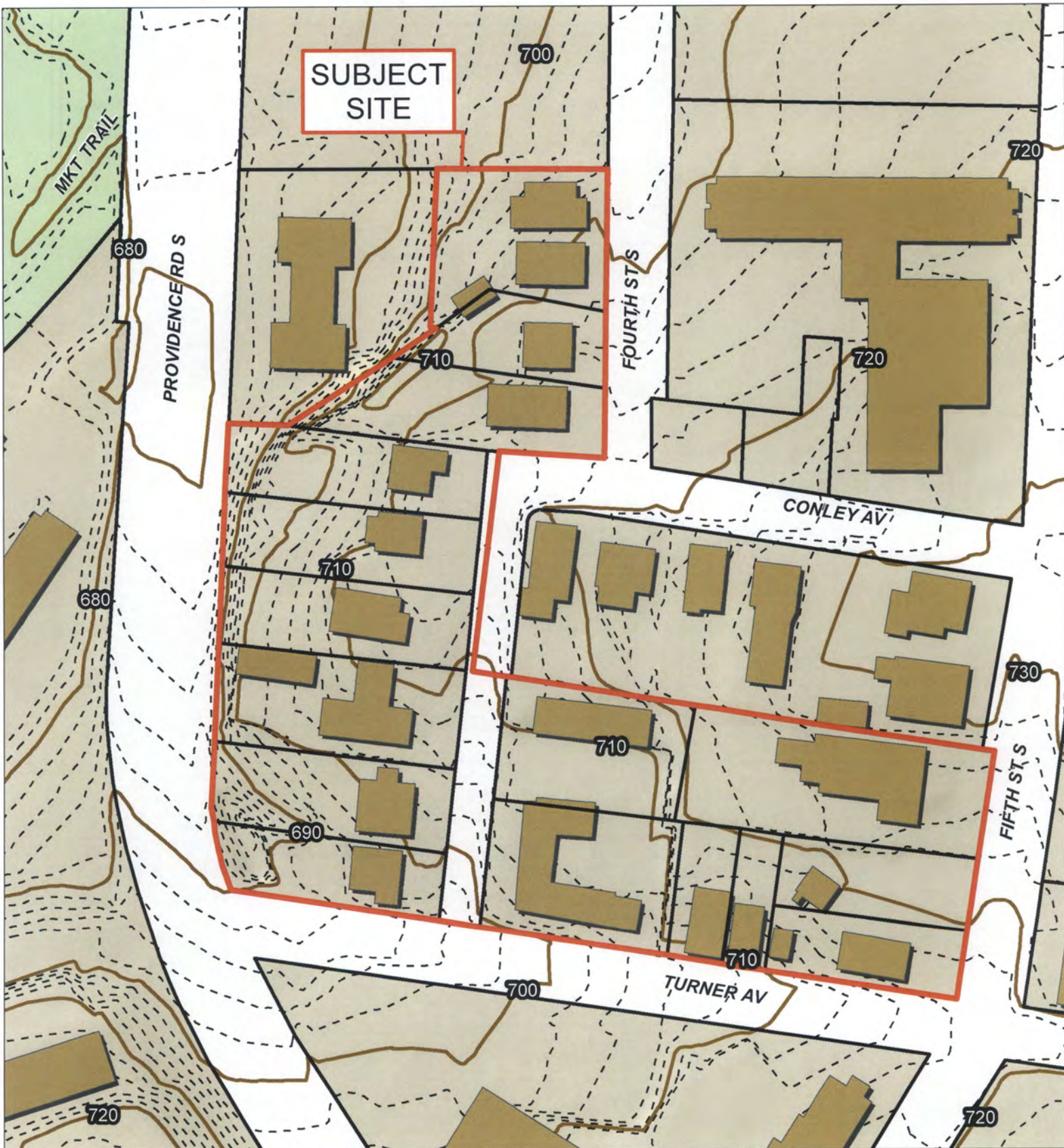
15-123: Vesser's Subdivision Plat No. 2 Final Plat & Roadway Vacation



City of Columbia Zoning

Parcels

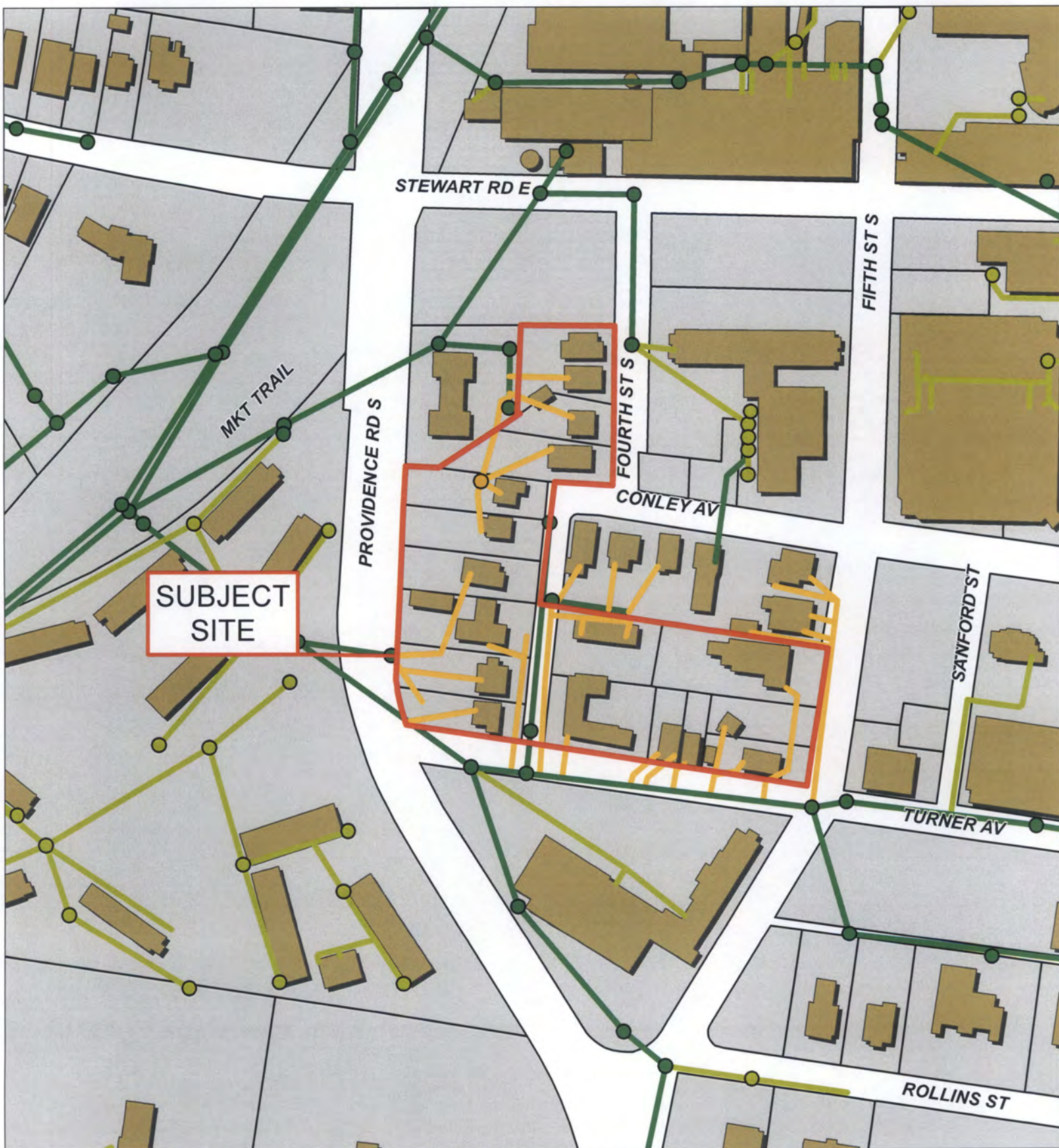
100-Year Flood Plain



15-123: Vesser's Subdivision Plat No. 2 Final Plat & Roadway Vacation



- 10 Foot Contour Lines
- - - 2 Foot Contour Lines
- ▭ Parcels
- Building Footprint



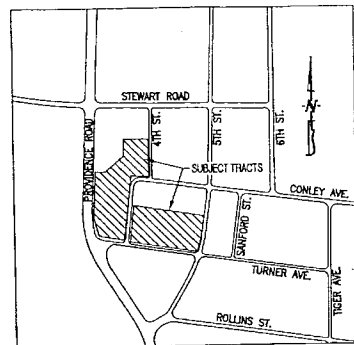
15-123: Vesser's Subdivision Plat No. 2

Final Plat & Roadway Vacation

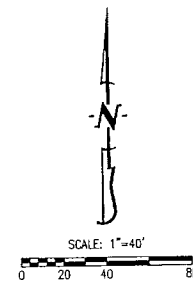


- | | | |
|------------------------------|--------------------------|----------------------|
| ● City Sanitary Structure | — City Sanitary Line | ■ Building Footprint |
| ● Private Sanitary Structure | — Private Sanitary Line | ■ Parcels |
| ● UMC | — Univ. of Missouri Line | |





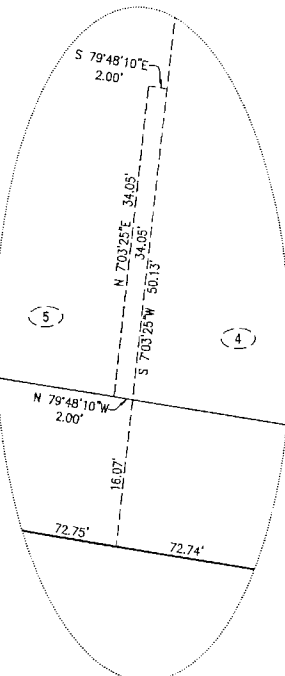
LOCATION MAP
NOT TO SCALE



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

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. 29018C0280D, DATED: MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
3. RECORD TITLE INFORMATION WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, FILE NO. 1401299, DATED JANUARY 23, 2014.
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 ARE NO REGULATED STRIPS ON THIS SITE AS SHOWN BY THE COLUMBIA USGS QUADRANGLE MAP.
5. THIS PROPERTY IS SUBJECT TO REQUIREMENTS OF ORDINANCES 22169 AND 22170, DATED AUGUST 18, 2014



DETAIL A
NOT TO SCALE

1.30207

REPLAT AND FINAL PLAT
VESSER'S SUBDIVISION PLAT NO. 2

A MINOR SUBDIVISION LOCATED IN NORTHWEST QUARTER OF
SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI

JUNE 1, 2015
CASE #15-123

LEGEND:

- E EXISTING
S SET
o SET 1/2" IRON PIPE
(UNLESS NOTED OTHERWISE)
(M) MEASURED DISTANCE
(REC) RECORDED DISTANCE
DH x DRILL HOLE
W/ CHISELED X
Δ RIGHT-OF-WAY MARKER
RR RAILROAD SPIKE

CERTIFICATION:

I HEREBY CERTIFY THAT IN APRIL OF 2015, I COMPLETED A SURVEY AND SUBDIVISION FOR GINGER C. 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 UNIVERSITY ADDITION RECORDED IN BOOK 70, PAGE 128, VESSER'S SUBDIVISION RECORDED IN BOOK 1, PAGE 35, AND BEING ALL OF THE CITY OF COLUMBIA SURVEY #304, AT PAGE 327, AND BEING ALL OF THE SURVEY SHOWN AS EXHIBIT "B" RECORDED IN BOOK SURVEY 951, PAGE 411, AND BEING ALL OF THE SURVEYS RECORDED IN BOOK 418, PAGE 17, DEEDS RECORDED IN BOOK 428, PAGE 547, AND BOOK 479, PAGE 194, AND DEEDS RECORDED IN BOOK 418, PAGE 17, DEEDS RECORDED IN BOOK 428, PAGE 547, AND BOOK 479, PAGE 194, AND DEEDS RECORDED IN BOOK 150, BOOK 2886, PAGE 150, BOOK 4364, PAGE 50, BOOK 4364, PAGE 61, BOOK 4362, PAGE 2, BOOK 4364, PAGE 60, BOOK 3101, PAGE 69, AND BOOK 4209, PAGE 91, AND THE TRUSTEES DEED RECORDED IN BOOK 4323, PAGE 55 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

107 1:

LOT 1:
BEGINNING AT THE SOUTHEAST CORNER OF LOT 6 OF SAID VESSEY'S SUBDIVISION AND WITH THE SOUTHE LINE THEREOF, N 80°06'30"E, 142.40 FEET TO THE EAST-RIGHT-OF-WAY LINE OF PROVIDENCE ROAD, THENCE LEAVING THE SOUTHE LINE OF SAID LOT 6 AND WITH SAID EAST RIGHT-OF-WAY LINE, 174.82 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 62°50'5"W, 174.01 FEET; THENCE N 3°09'25"E, 145.52 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N 57°29'55"E, 194.19 FEET TO THE SOUTHE LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1631, PAGE 617; THENCE WITH THE LINES OF SAID TRACT, N 88°47'35"E, 7.78 FEET; THENCE S 89°21'42"E, 128.48 FEET TO THE WEST RIGHT-OF-WAY LINE OF FOURTH STREET; THENCE LEAVING THENCE N 88°47'35"E, 128.48 FEET TO THE WEST RIGHT-OF-WAY LINE THEREOF, S 11°17'15"W, 217.98 FEET; THENCE N 81°51'50"W, 98.84 FEET; S 54°7'00"W, 364.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.14 ACRES.

LOT 2:


LOT 2:
BEGINNING AT THE NORTHEAST CORNER OF SAID SURVEY RECORDED IN BOOK 316, PAGE 347, AND BEING A
POINT ON THE WEST RIGHT-OF-WAY LINE OF FIFTH STREET, THENCE WITH THE LINES OF SAID SURVEY AND THE
SAID WEST RIGHT-OF-WAY LINE THEREOF, S 92°32'00"W, 199.87 FEET TO THE NORTH RIGHT-OF-WAY LINE OF
TURNER AVENUE, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, S 74°00'00"W, 368.25 FEET TO THE
SAID TURNER AVENUE THENCE, S 74°00'00"W, 368.25 FEET TO THE EAST RIGHT-OF-WAY LINE OF FOURTH
STREET, THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE AND WITH THE EAST RIGHT-OF-WAY LINE THEREOF,
N 47°00'00"E, 189.28 FEET, THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE ALONG THE NORTH LINE OF SAID
N 47°00'00"E, S 81°28'55"E, 390.14 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.67 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

51304 
DAVID I. BUTCHER, PLS-2002014095

10/26/2015

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 26th DAY OF June, 2015.

Kenneth Farris NOTARY PUBLIC
KENNETH FARRIS MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

KENNETH FARRIS
Notary Public - Notary Seal
STATE OF MISSOURI
Cole County
Commission #14965557
My Commission Expires: April 22, 2018

KNOW ALL MEN BY THESE PRESENTS:

THAT GINGER C. 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 "LESSOR'S SUBDIVISION PLAT NO. 2"

IN WITNESS WHEREOF, GINGER C, LLC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS
DAY OF _____, 2015.

GINGER C, LLC.

NAKHIL F. H. ASMAR, MANAGER

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS _____ DAY OF _____, 2015 BEFORE ME PERSONALLY APPEARED NAKHILE H. ASMAR, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE WAS THE MANAGER OF SAID LIMITED LIABILITY COMPANY AND THAT HE FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE THEIR FREE ACT AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14965667

KENNETH FARRIS
Notary Public - Notary Seal
STATE OF MISSOURI
Cole County
Commission #14965667
My Commission Expires: April 22, 2018

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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

CURATORS OF THE
UNIVERSITY OF MISSOURI
WARRANTY DEED RECORDED
IN BOOK 1910, PAGE 349

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS _____
DAY OF _____, 2015

STEPHEN REICHLIN, VICE CHAIRPERSON