

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 29-13

AN ORDINANCE

approving the Final Plat of Old Hawthorne, Plat No. 9, 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 Old Hawthorne, Plat No. 9, dated October 15, 2012, a major subdivision located on the west side of Cutters Corner Lane and east of Ivory Lane, containing approximately 5.11 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 Old Hawthorne Development, LLC in connection with the approval of the Final Plat of Old Hawthorne, Plat No. 9. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

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 **Old Hawthorne Development, 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 **Old Hawthorne Plat No. 9**, 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 all 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:

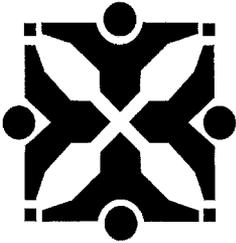
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider:
Old Hawotherne Development, LLC.

BY: _____
Billy G. Sapp, President



Source: Community Development - Planning ^W

Agenda Item No:

To: City Council
From: City Manager and Staff ^M

Council Meeting Date: Jan 22, 2013

Re: Old Hawthorne, Plat No. 9, final plat request (Case #12-181)

EXECUTIVE SUMMARY:

A request by Crockett Engineering, on behalf of Boone Development, Inc., for approval of a ten-lot final plat to be known as "Old Hawthorne, Plat No. 9." The 5.11-acre property is located west of Cutters Corner Lane, along Ivory Lane. (Case #12-181)

DISCUSSION:

The subject site consists of approximately 5.11 acres, is zoned R-1, and is currently undeveloped. The plat is part of the phasing for the overall Old Hawthorne development. All lots substantially comply with the preliminary plat, and comply with applicable standards, such as those for the R-1 zoning district. The plat has been reviewed by pertinent City departments and other agencies, and complies with the Subdivision Ordinance.

Locator maps and a reduced size copy of the plat are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

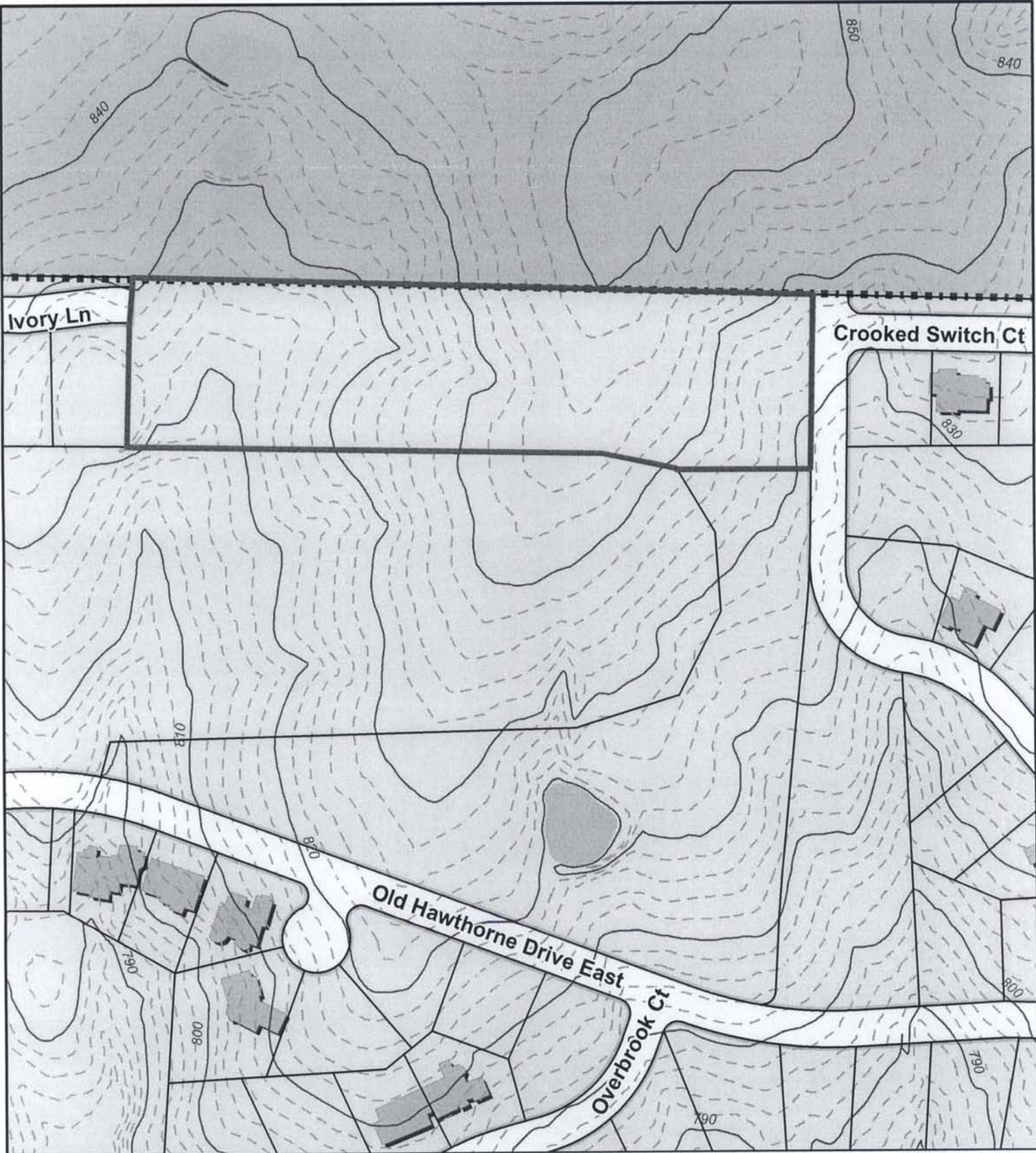
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

Staff recommends approval of the final plat.

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/Epands 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



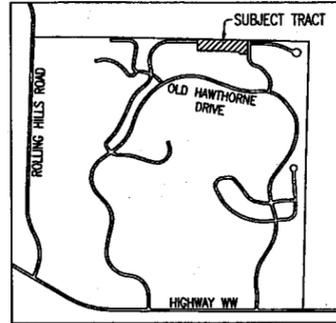
**Old Hawthorne, Plat 9
Final Plat Case 12-181**



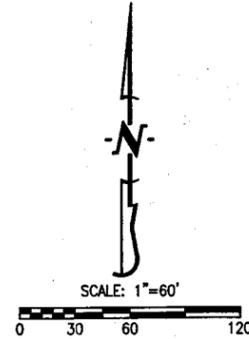
FINAL PLAT OLD HAWTHORNE, PLAT No. 9

A MAJOR SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF
SECTION 14, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
OCTOBER 15, 2012

CURVE TABLE				
CURVE	L	R	Δ	CHDIST
1	145.20'	1000.00'	8°19'10"	145.08'
2	172.77'	1000.00'	9°53'55"	172.55'
3	95.11'	1000.00'	5°27'00"	95.08'
4	107.23'	1000.00'	6°08'40"	107.18'
5	31.57'	20.00'	90°26'45"	28.39'
6	31.26'	20.00'	89°33'10"	28.17'



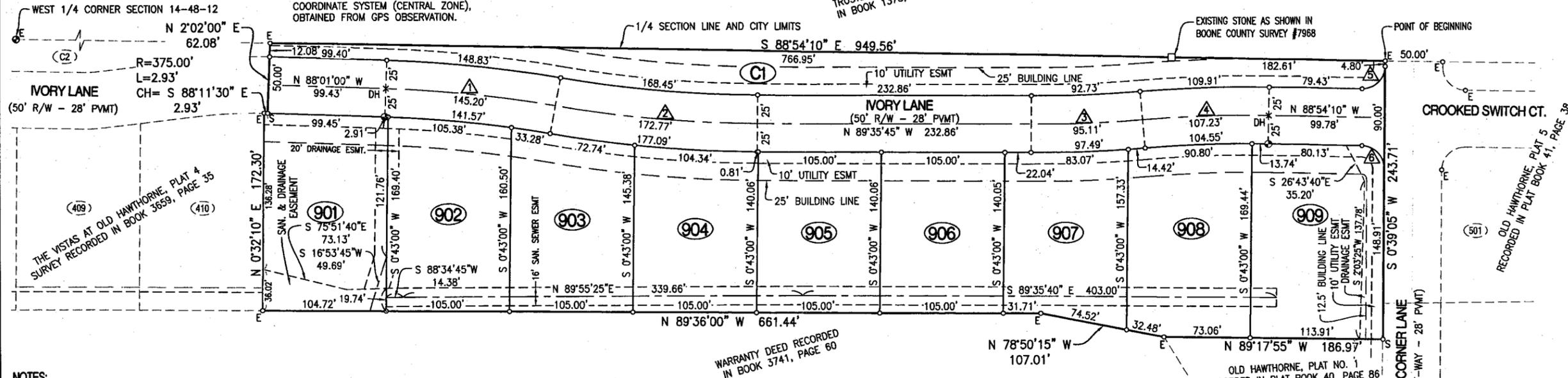
LOCATION MAP
NOT TO SCALE



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



NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY FLOOD PLAIN MAPS, PANEL NUMBER 29019C 03250, 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.
- LOT C1 IS TO BE USED AS COMMON AREA AND NOT FOR RESIDENTIAL USE.
- THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230A ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

CERTIFICATION:

I HEREBY CERTIFY THAT IN SEPTEMBER OF 2012, I COMPLETED A SURVEY AND SUBDIVISION FOR OLD HAWTHORNE DEVELOPMENT, LLC., OF A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF LOT 7 OF OLD HAWTHORNE, PLAT 1, RECORDED IN PLAT BOOK 40, PAGE 86 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4087, PAGE 17 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 12 WEST AT THE NORTHWEST CORNER OF OLD HAWTHORNE, PLAT 5 RECORDED IN PLAT BOOK 41, PAGE 38 AND BEING THE WEST RIGHT-OF-WAY LINE OF CUTTERS CORNER LANE THENCE WITH SAID WEST LINE OF PLAT 5 AND THE WEST RIGHT-OF-WAY LINE OF CUTTERS CORNER LANE, S 0°39'05"W, 243.71 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, N 89°17'55"W, 186.97 FEET TO THE LINES OF A TRACT DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 3741, PAGE 60; THENCE WITH THE LINES OF SAID TRACT, N 78°50'15"W, 107.01 FEET; THENCE N 89°36'00"W, 661.44 FEET TO THE SOUTHEAST CORNER OF THE VISTAS AT OLD HAWTHORNE, PLAT 4 RECORDED IN BOOK 3659, PAGE 35; THENCE LEAVING THE LINES OF THE TRACT DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 3741, PAGE 60 AND WITH THE LINES OF SAID VISTAS AT OLD HAWTHORNE, PLAT 4, N 0°32'10"E, 172.30 FEET TO THE SOUTH RIGHT OF WAY LINE OF IVORY LANE; THENCE CONTINUING WITH SAID VISTAS AT OLD HAWTHORNE, PLAT 4 AND WITH SAID SOUTHERLY RIGHT-OF-WAY, 2.93 FEET ALONG A 375.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S 88°11'30"E, 2.93 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, N 2°02'00"E, 62.08 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE LEAVING THE EASTERLY LINES OF SAID VISTAS AT OLD HAWTHORNE, PLAT NO. 4 AND WITH SAID NORTH LINE, S 88°54'10"E, 949.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.11 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, PLS-2002014095

DATE: 11/1/2013



KNOW ALL MEN BY THESE PRESENTS:

THAT OLD HAWTHORNE DEVELOPMENT, LLC. IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT SAID 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 PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "OLD HAWTHORNE, PLAT NO. 9"

IN WITNESS WHEREOF, OLD HAWTHORNE DEVELOPMENT, LLC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER THIS _____ DAY OF _____, 2013.

OLD HAWTHORNE DEVELOPMENT, LLC.

BILLY G. SAPP, MANAGING MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE }

ON THIS _____ DAY OF _____, 2013 BEFORE ME PERSONALLY APPEARED BILLY G. SAPP, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT OF SAID CORPORATION AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID CORPORATION.

STATE OF MISSOURI }
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS
DAY OF _____, 2013.

TIMOTHY CROCKETT

NOTARY PUBLIC MY COMMISSION
EXPIRES JANUARY 25, 2013
COMMISSION NUMBER 9407103

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA,
MISSOURI, THIS _____ DAY OF _____, 2013.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK