

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 40-13

AN ORDINANCE

approving the Final Plat of The Gates at Old Hawthorne, Plat No. 2, 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 The Gates at Old Hawthorne, Plat No. 2, dated October 15, 2012, a major subdivision located on the east side of Rolling Hills Road, approximately 4,000 feet north of Route WW, containing approximately 36.83 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 Old Hawthorne Development, LLC in connection with the approval of the Final Plat of The Gates at Old Hawthorne, Plat No. 2. 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 **The Gates at Old Hawthorne, Plat No. 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:

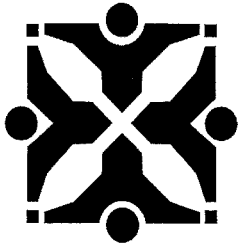
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Old Hawthorne Development, LLC.

BY: 
Billy G. Sapp, Manager



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Feb 4, 2013

Re: The Gates at Old Hawthorne, Plat No. 2 (Case #12-182)

EXECUTIVE SUMMARY:

A request by Old Hawthorne Development, LLC (owner) for approval of a 26-lot major subdivision to be known as "The Gates at Old Hawthorne, Plat No. 2". The 36.83-acre tract of land is located in the northwest corner of the Old Hawthorne Development, east of Rolling Hills Road and approximately 4,000 feet north of Route WW. (Case #12-182)

DISCUSSION:

The applicant seeks approval of a 26-lot final plat on 36.83 acres of R-1 (One-Family Dwelling District) zoned land. During the review process, Public Safety/Joint Communications (PSJC) identified concern with the proposed street name "Hawk Perch Drive". Their concern was that the name was not consistent with the street naming provisions of the Subdivision Regulations which prohibits duplicate or similarly-sounding street names. The names to that PSJC indicated "Hawk Perch Drive" duplicate were "Hawk Road" and "Hawkins Drive".

The proposed name "Hawk Perch Drive" was identified on the approved 2005 preliminary plat for the entire Old Hawthorne Development. The developer proceeded with this final plat and its street names in reliance on the 2005 approved preliminary plat. "Hawk Perch Drive" is not direct duplicate and while sounding similar is not a violation of the regulations.

A feature of this subdivision is a connection to Rolling Hills Road which remains incomplete. The applicant has assured Public Works that such roadway will be completed by Spring 2013. Staff supports approval of this final plat subject to the condition that if Rolling Hills Road is not complete by that time future building permits and/or certificates of occupancy may be denied until such time that the roadway is built; in other words, Rolling Hills will be considered part of the essential subdivision infrastructure.

Notwithstanding the issues noted above, the plat is generally consistent with the revised preliminary plat for the Gates at Old Hawthorne, approved by Council on September 21, 2009, and meets all requirements of the Subdivision Regulations.

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

FISCAL IMPACT:

None

VISION IMPACT:

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

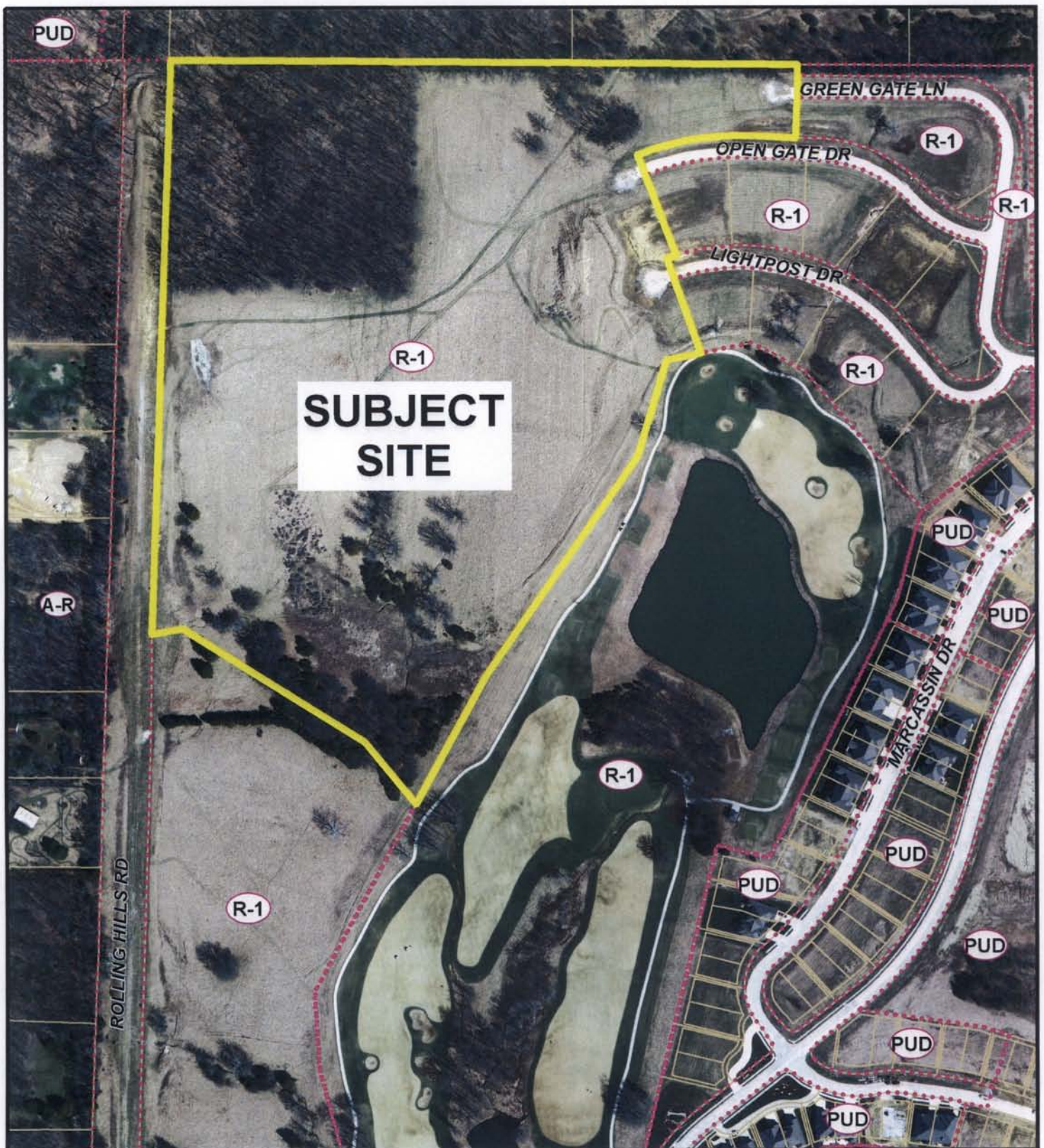
None

SUGGESTED COUNCIL ACTIONS:

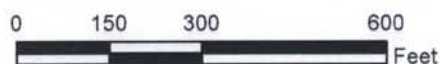
SUGGESTED COUNCIL ACTIONS:

Approval. The final plat is in conformance with the approved revised preliminary and the Subdivision Regulations.

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/Expands 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

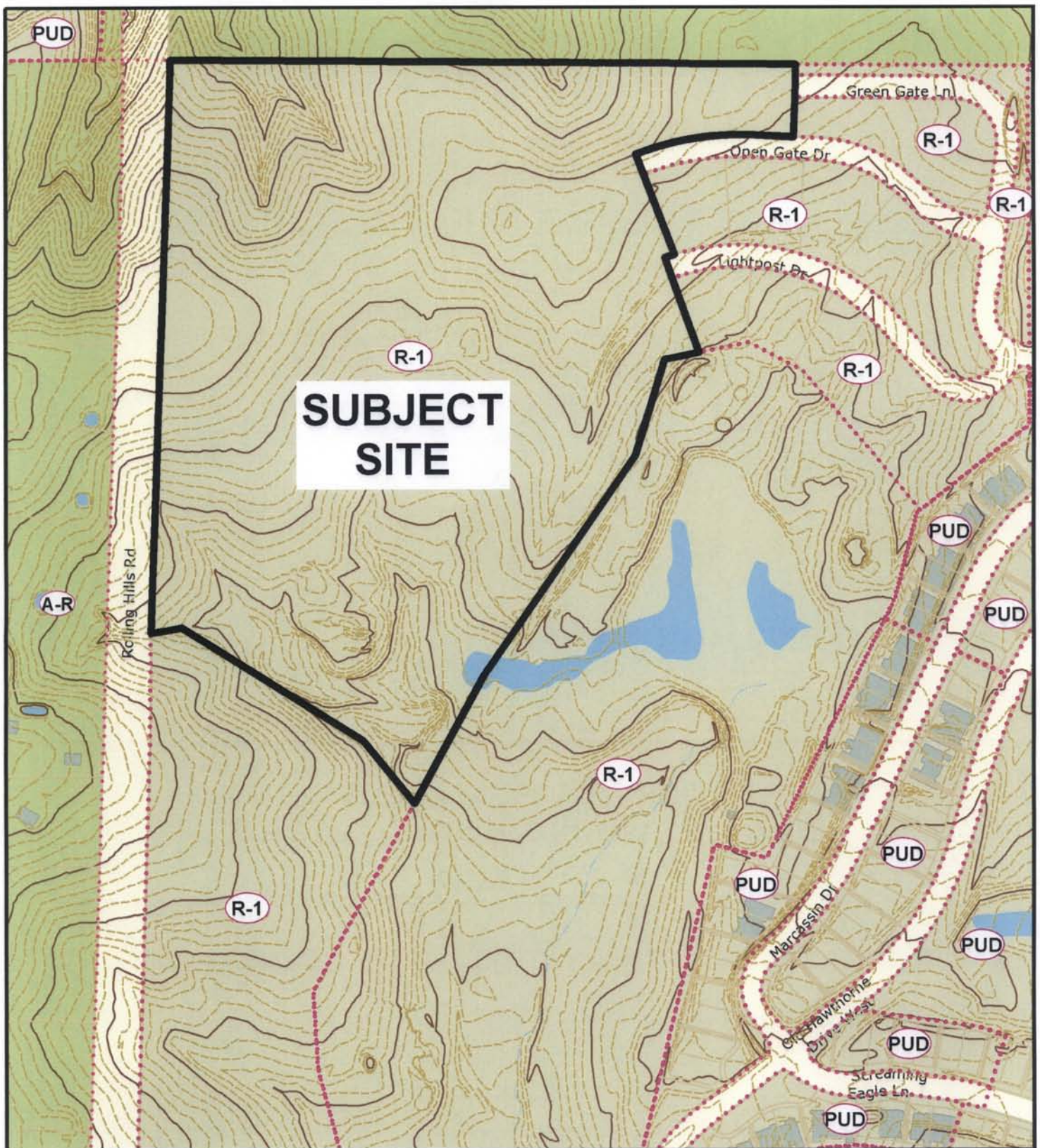


Case 12-182: Final Plat
The Gates @ Old Hawthorne, Plat No. 2

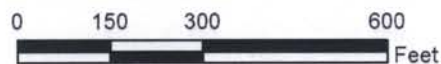


1 inch = 300 feet





Case 12-182: Final Plat
The Gates @ Old Hawthorne, Plat No. 2



1 inch = 300 feet

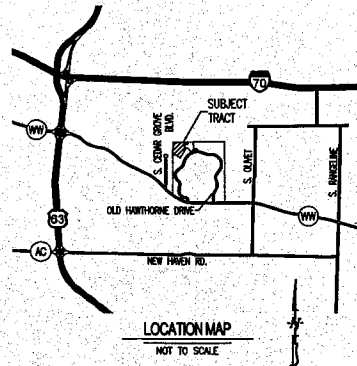


FINAL PLAT THE GATES AT OLD HAWTHORNE, PLAT No. 2

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

SURVEY RECORDED IN BOOK 1642, PAGE 926
S 89°38'45"E 2081.56'
S 89°38'45"E 1438.01'

EAST 1/4 CORNER OF SECTION
15-48-12 AS SHOWN BY THE SURVEY
RECORDED IN BOOK 2951, PAGE 4



LEGEND:
E EXISTING
S 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

SCALE: 1"=100'
0 50 100 200

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

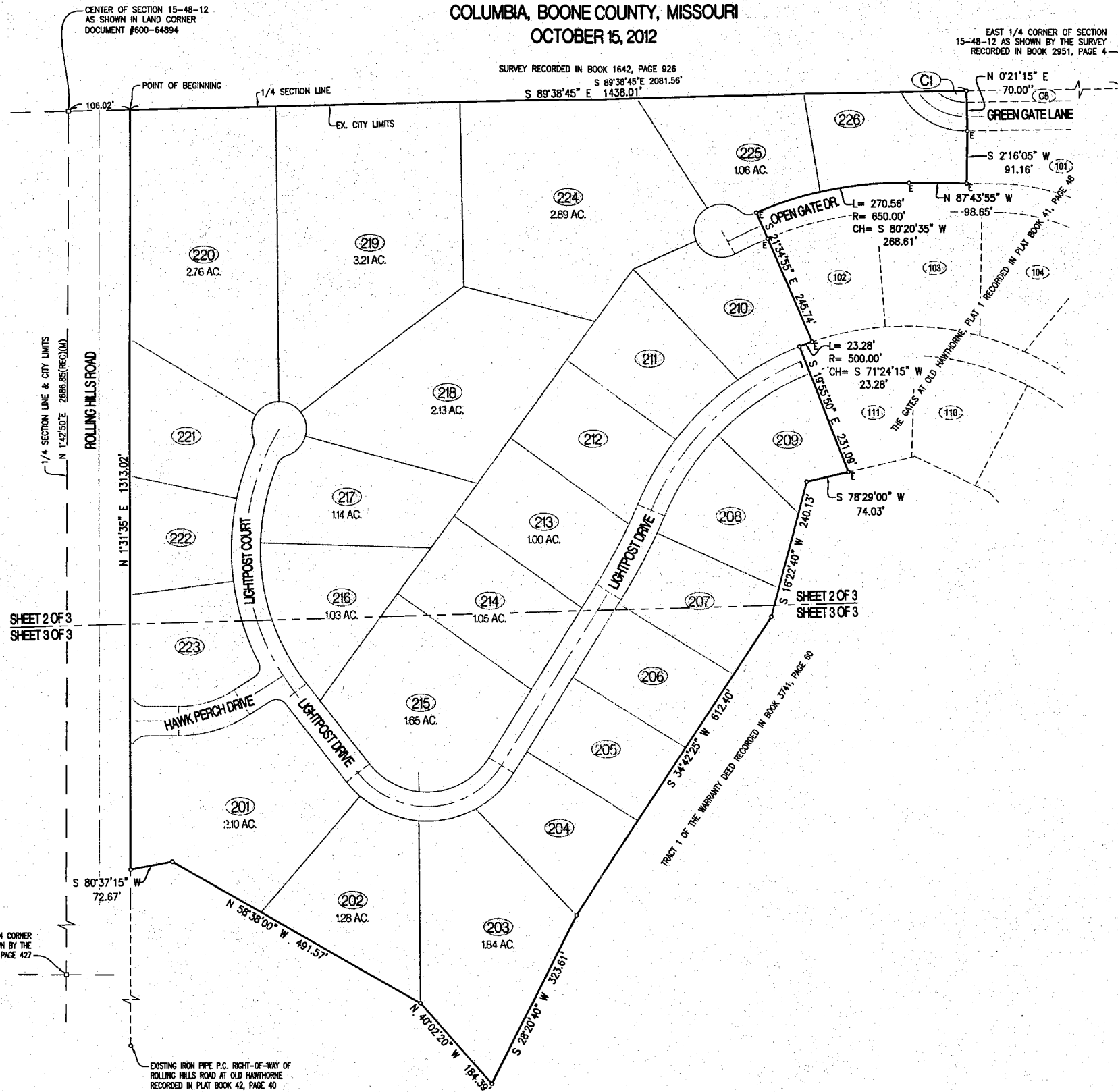
NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY FLOOD PLAIN MAPS, PANEL NUMBER 29019C 0285D, 29019C 0295D & 29019C 0325D, ALL 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 NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230A ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES.
- THE EASEMENT RECORDED IN BOOK 184, PAGE 638 IS A BLANKET EASEMENT. A NEGOTIATED WIDTH OF 60' HAS BEEN RECORDED IN BOOK 3327, PAGE 151.
- NO DIRECT ACCESS FROM LOTS 201 & 220-223 ONTO ROLLING HILLS ROAD IS ALLOWED.

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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK



CERTIFICATION:

I HEREBY CERTIFY THAT IN OCTOBER 2012, I COMPLETED A SURVEY FOR OLD HAWTHORNE DEVELOPMENT, LLC. OF A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15 OF TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4087, PAGE 17 AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 2951, PAGE 24 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 15 AND WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15, S 89°38'45"E, 106.02 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID NORTH LINE, S 89°38'45"E, 1438.01 FEET; THENCE LEAVING SAID NORTH LINE, S 0°21'15" E, 70.00 FEET; THENCE S 2°16'05" W, 91.16 FEET TO THE NORTH RIGHT-OF-WAY LINE OF OPEN GATE DRIVE; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE, N 87°43'55" W, 98.65 FEET; THENCE 270.56 FEET ALONG A 650.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 80°20'35" W, 268.61 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, S 21°34'55" E, 245.74 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LIGHTPOST DRIVE; THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LINE, 23.28 FEET ALONG A 500.00-FOOT RADIUS NON-TANGENT, CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 71°24'15" W, 23.28 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, S 19°55'50" E, 231.09 FEET TO POINT ON THE NORTHERLY LINES OF THE TRACT 1 OF THE WARRANTY DEED RECORDED IN BOOK 3741, PAGE 60; THENCE WITH THE LINES OF SAID WARRANTY DEED, S 78°29'00" W, 74.03 FEET; THENCE S 16°22'40" W, 240.13 FEET; THENCE S 34°42'25" W, 612.40 FEET; THENCE S 28°20'40" W, 323.61 FEET; THENCE N 40°02'20" W, 184.39 FEET; THENCE N 58°38'00" W, 491.57 FEET; THENCE S 80°37'15" W, 72.67 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROLLING HILLS ROAD; THENCE WITH SAID EASTERLY RIGHT-OF-WAY LINE, N 1°31'35" E, 1313.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 36.83 ACRES.

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
2608 NORTH STADIUM BLVD.
COLUMBIA, MO 65202

CORPORATE NUMBER: 2000151304

Daniel Griffith
DAVID T. BUTCHER, PLS-2002014095
1/24/2013
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 24 DAY OF January 2013.

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

DANIELLE GRIFFITH
Notary Public - Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires: Oct. 28, 2016
Commission #12409201

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 CITY OF COLUMBIA FOR THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "THE GATES AT OLD HAWTHORNE, PLAT NO. 2"

IN WITNESS WHEREOF, OLD HAWTHORNE DEVELOPMENT, LLC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING MEMBER, THIS 24 DAY OF January 2013.

OLD HAWTHORNE DEVELOPMENT, LLC.

Billy S. Sapp
BILLY S. SAPP, MANAGING MEMBER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS 24 DAY OF January 2013 BEFORE ME PERSONALLY APPEARED BILLY S. SAPP, TO ME KNOWN, WHO DID SAY THAT HE IS THE MANAGING MEMBER OF OLD HAWTHORNE DEVELOPMENT, LLC. AND THAT HE FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID COMPANY.

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

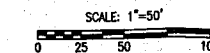
DANIELLE GRIFFITH
Notary Public - Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires: Oct. 28, 2016
Commission #12409201

RECEIVED

IAN 25 2013

PLANNING DEPT.

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



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

LEGEND:

E EXISTING
S SET
o 1/2" IRON PIPE
(UNLESS NOTED OTHERWISE)
□ STONE
⊙ PERMANENT MONUMENT
(M) MEASURED DISTANCE
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DH x DRILL HOLE
W/ CHISELED X.....

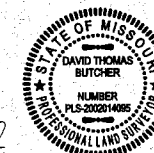
NORTHWEST CORNER OF LOT C5
OF THE GATES AT OLD HAWTHORNE,
PLAT NO. 1, RECORDED IN PLAT
BOOK 41, PAGE 48.

DETAIL A

CURVE	L	R	CH BEARING	CH DIST
1	114.48'	200.00'	N 75°07'40" E	112.21'
2	482.90'	400.00'	S 1°49'10" E	454.21'
3	288.39'	150.00'	N 88°31'00" E	245.50'
4	159.17'	1025.00'	N 28°59'25" E	159.17'
5	377.45'	475.00'	N 47°18'20" E	367.15'
6	64.98'	625.00'	S 65°26'25" W	64.98'
7	98.84'	100.00'	S 61°19'45" E	94.81'
8	29.39'	20.00'	N 16°38'00" E	26.81'
9	29.62'	20.00'	N 78°50'15" W	26.50'
10	18.60'	25.00'	N 42°15'5" E	18.15'
11	21.87'	25.00'	S 49°53'05" W	21.15'
12	23.46'	20.00'	S 78°27'20" E	22.15'
13	47.12'	30.00'	S 46°31'35" W	42.21'
14	47.12'	30.00'	S 43°28'25" E	42.21'

NOTES:

1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY FLOOD PLAIN MAPS, PANEL NUMBER 29019C 02B50, 29019C 02D50 & 290192C 0325D, ALL DATED MARCH 17, 2011.
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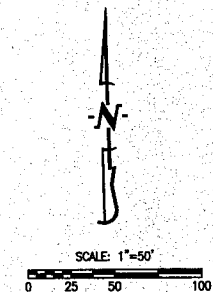
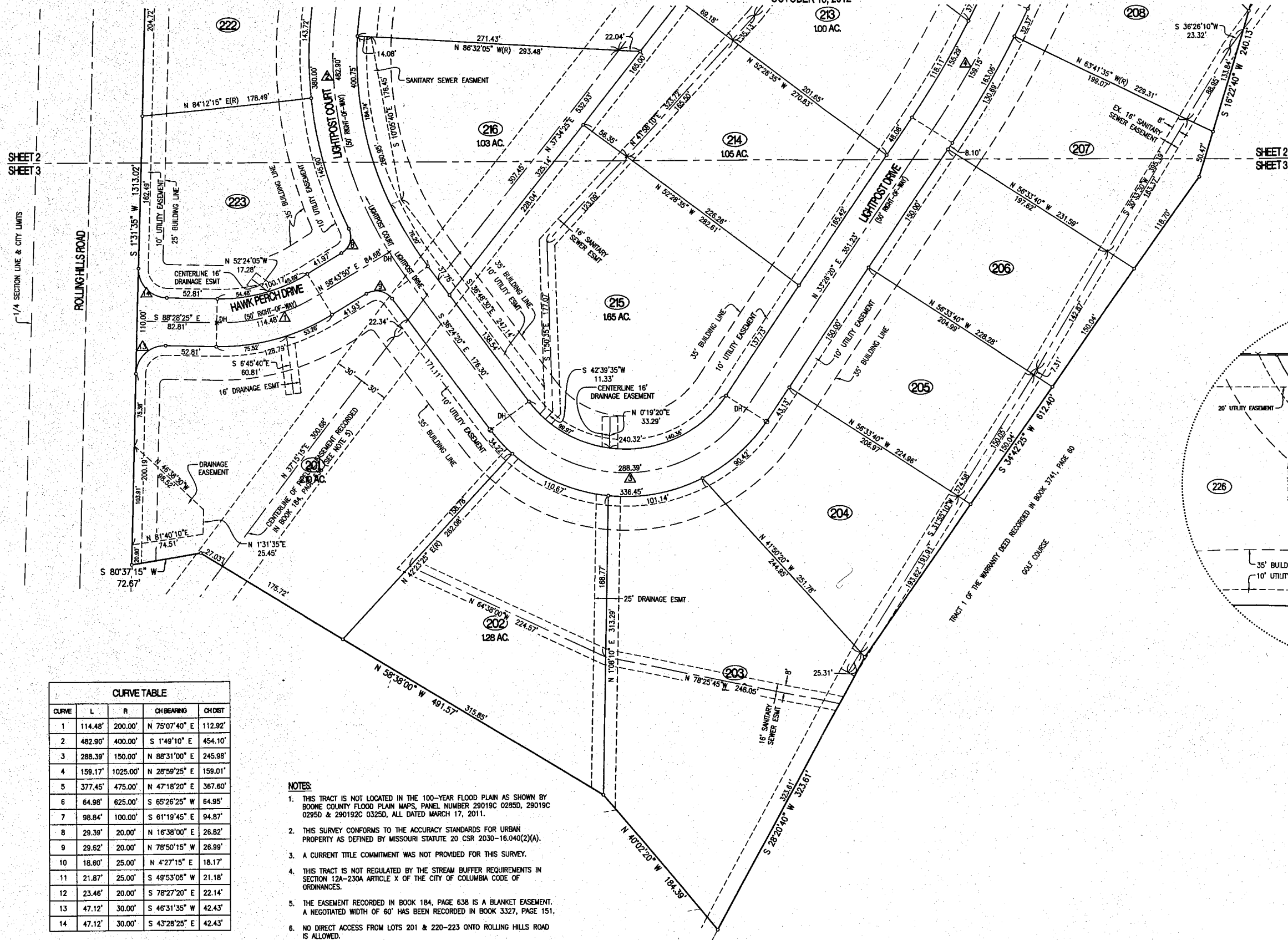
DAVID T. BUTCHER, PLS-200201409
1/24/2013
DATE

FINAL PLAT THE GATES AT OLD HAWTHORNE, PLAT No. 2

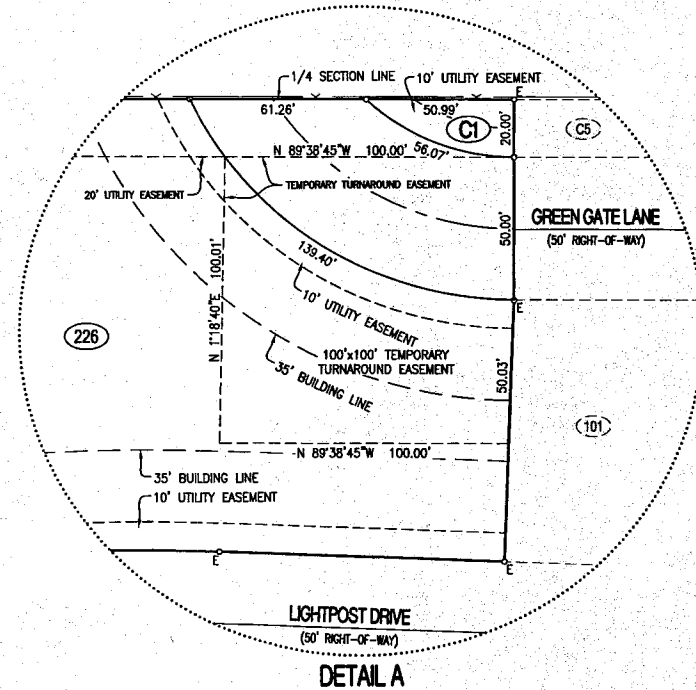
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COLUMBIA, BOONE COUNTY, MISSOURI

OCTOBER 15, 2012



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CURVE TABLE				
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1/24/13
DATE

