

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 41-13

AN ORDINANCE

approving the Final Plat of Westover Subdivision Plat 3, a Replat of part of Lot 2 and Lot 1C of Westover Subdivision and a part of Lot 157 of Westwood Addition; 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 Westover Subdivision Plat 3, a Replat of part of Lot 2 and Lot 1C of Westover Subdivision and a part of Lot 157 of Westwood Addition, dated December 6, 2012, a subdivision located southeast of the intersection of Stewart Road and Greenwood Avenue (802 West Stewart Road), 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 Jerry and Sharon Harl in connection with the approval of the Final Plat of Westover Subdivision Plat 3. 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 6 day of DECEMBER, 2012 between the City of Columbia, MO ("City") and JERRY AND SHARON HARL ("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 WESTOVER SUBDIVISION PLAT 3, 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 utilities and 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 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 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 WHEREOF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

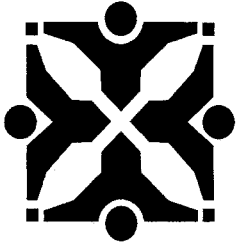
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider
BY: _____
JERRY HARL
BY: _____
SHARON HARL



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Feb 4, 2013

Re: Westover Subdivision Plat 3 - replat (Case # 12-215)

EXECUTIVE SUMMARY:

A request by Jerry Harl (owner) for approval of a two-lot replat of R-1 zoned land, to be known as Westover Subdivision Plat 3. The 2.83-acre subject site is located generally southeast of the intersection of Stewart Road and Greenwood Avenue, with frontage on both Stewart Road and Greenwood Avenue, and is addressed 802 W Stewart Road. (Case # 12-215)

DISCUSSION:

The proposal is to divide the western stem from the principal lot to create a new R-1 zoned residential lot with frontage on Greenwood Avenue. The principal lot, which is already developed with a single-family home, would maintain frontage and access on Stewart Road.

City staff and external agencies have reviewed the request and found it to meet all applicable City requirements.

Locator maps, and a reduction of the proposed plat are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

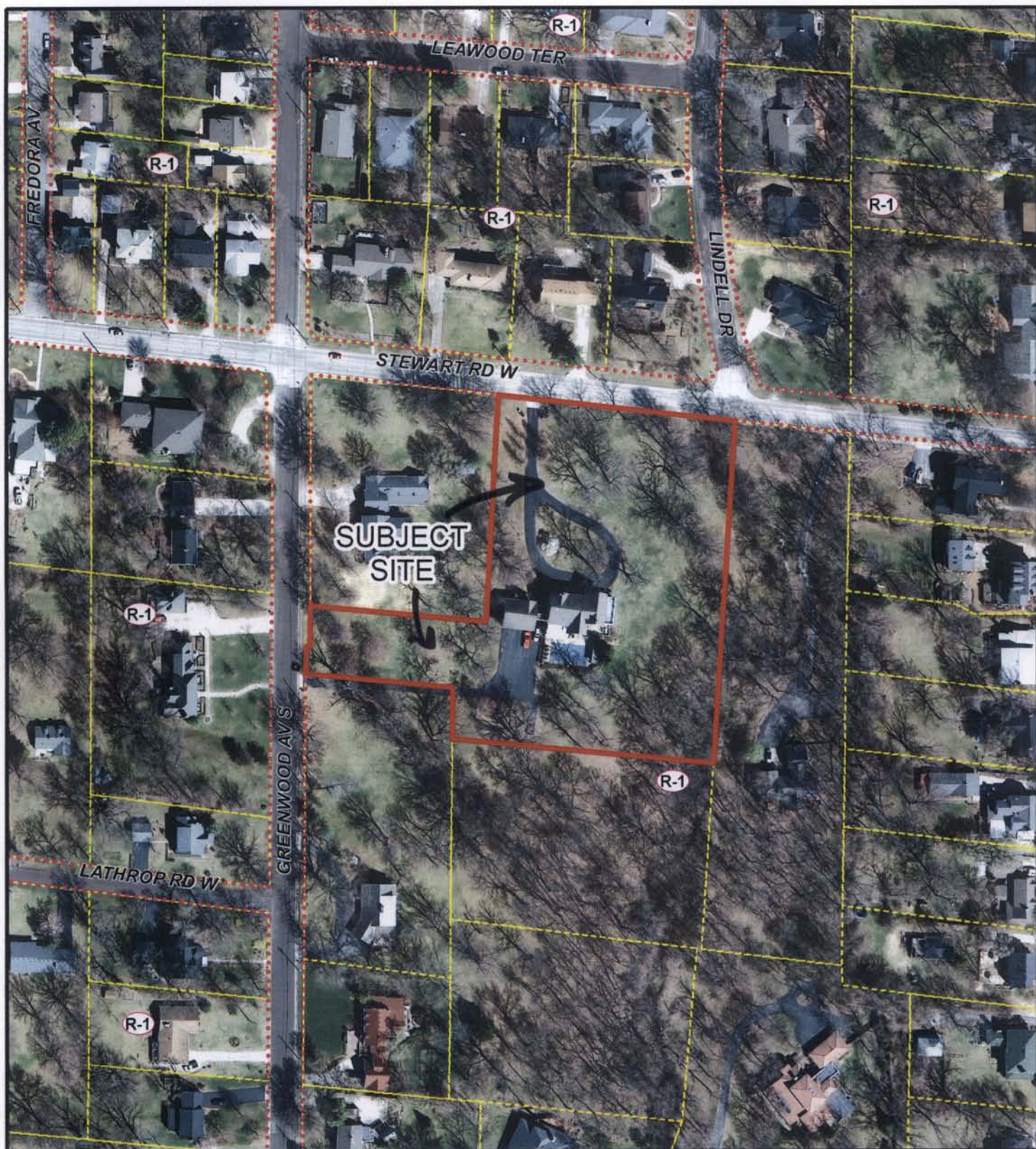
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

Approval of the replat.

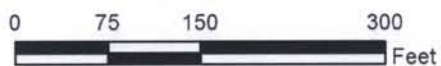
FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
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 12-215: Replat
Westover Subdivision, Plat 3**

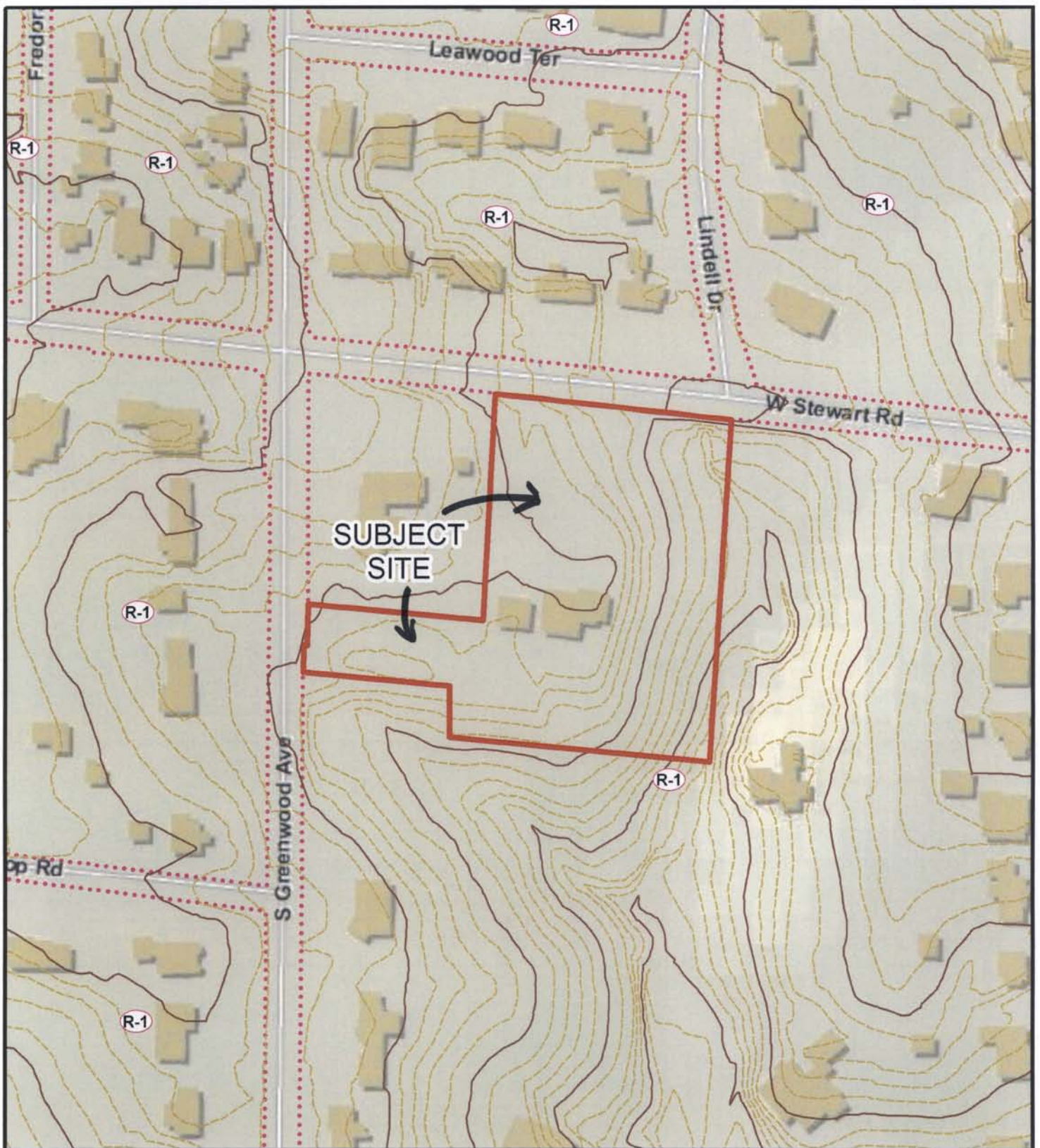


2011 Orthophoto
Source: Boone County Assessor

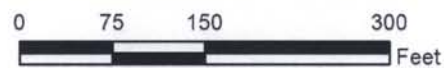


1 inch = 150 feet





**Case 12-215: Replat
Westover Subdivision, Plat 3**

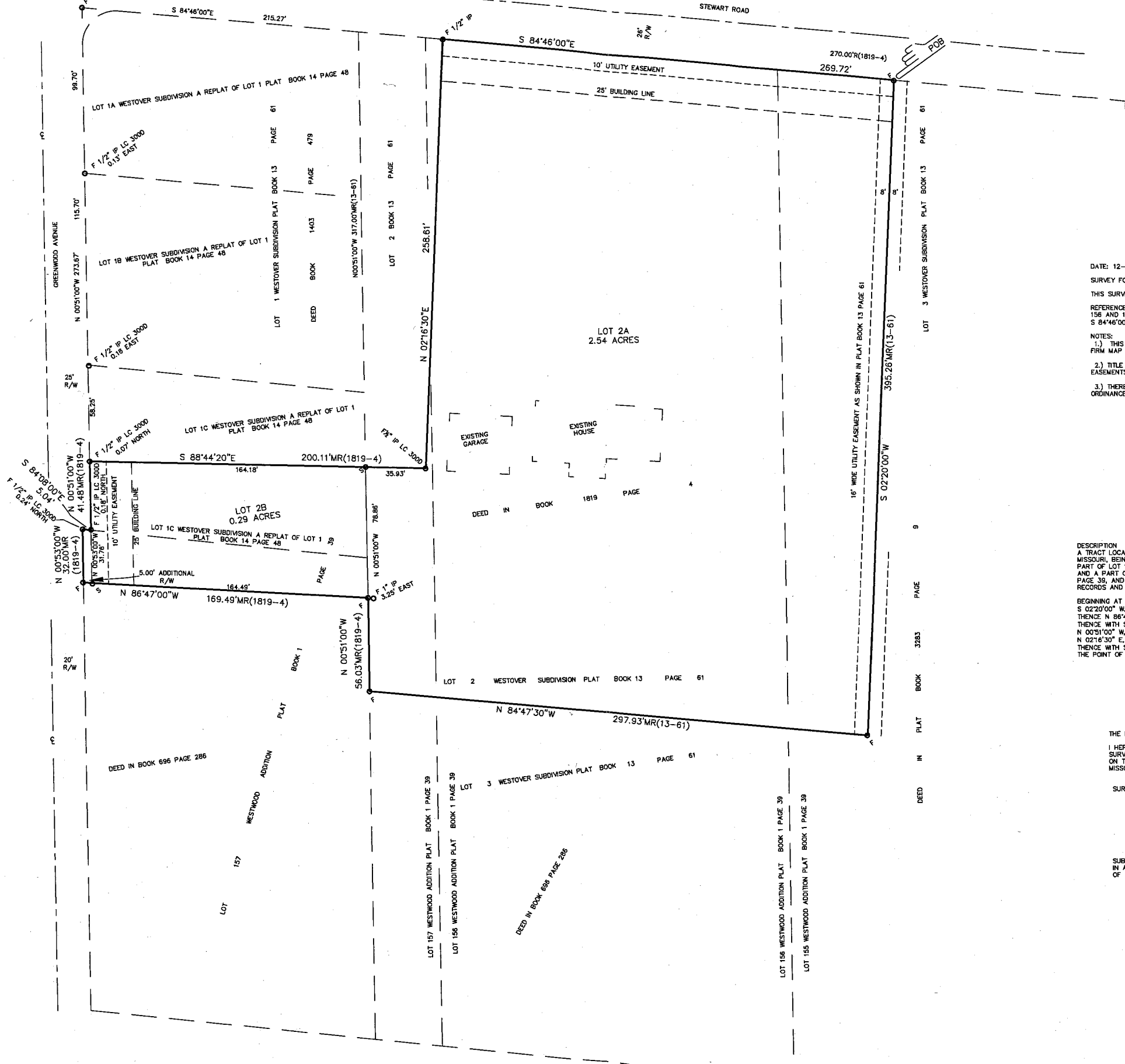
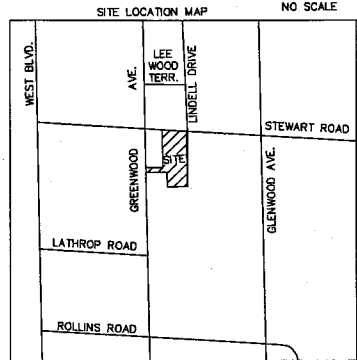


1 inch = 150 feet



WESTOVER SUBDIVISION PLAT 3

A REPLAT OF PART OF LOT 2 OF WESTOVER SUBDIVISION PLAT BOOK 13 PAGE 61, A PART OF LOT 1C OF WESTOVER SUBDIVISION A
REPLAT OF LOT 1 PLAT BOOK 14 PAGE 48, AND A PART OF LOT 157 OF WESTWOOD ADDITION PLAT BOOK 1 PAGE 39
SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI



SCALE 1" = 30'

LEGEND
F FOUND 5/8" ROD WITH CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
S SET 5/8" ROD WITH CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
PM 5/8" ROD WITH ALUMINUM CAP
BRUSH AND ASSOC. LC 321
UNLESS OTHERWISE NOTED
R RECORD
M MEASURED
R/W RIGHT-OF-WAY
IP IRON PIPE
C CENTER LINE

DATE: 12-06-2012

SURVEY FOR: JERRY AND SHARON HARL

THIS SURVEY CONFORMS TO TYPE URBAN ACCURACY STANDARD 20 CSR 2030-16.040

REFERENCE BEARING: THE NORTH LINE OF LOT 2 OF WESTOVER SUBDIVISION A REPLAT OF LOTS 155,
156 AND 157 OF WESTWOOD ADDITION TO THE CITY OF COLUMBIA:
S 84°46'00" E

NOTES:

1.) THIS TRACT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS PER THE BOONE COUNTY
FIRM MAP #28019C02800 DATED: MARCH 17, 2011.

2.) TITLE INSURANCE POLICY AND OR ABSTRACT WERE NOT AVAILABLE FOR REVIEW OTHER
EASEMENTS MAY EXIST.

3.) THERE ARE NO TYPE I, II OR III STREAMS AS DEFINED BY CITY OF COLUMBIA CODE OF
ORDINANCES 12A-233.

DESCRIPTION

A TRACT LOCATED IN SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY,
MISSOURI, BEING PART OF LOT 2 OF WESTOVER SUBDIVISION AS SHOWN IN PLAT BOOK 13 PAGE 61 ALSO BEING
PART OF LOT 1C OF WESTOVER SUBDIVISION A REPLAT OF LOT 1 AS SHOWN IN PLAT BOOK 14 PAGE 48
AND A PART OF LOT 157 OF WESTWOOD ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1
PAGE 39, AND BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 1819 PAGE 4 ALL OF THE BOONE COUNTY
RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE WITH THE LINES OF SAID LOT 2
S 02°20'00" W, 395.26 FEET; THENCE N 84°47'30" W, 297.93 FEET; THENCE N 00°51'00" W, 56.03 FEET;
THENCE N 86°47'00" W, 169.49 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF GREENWOOD AVENUE;
THENCE WITH SAID EAST LINE N 00°53'00" W, 32.00 FEET; THENCE S 84°02'00" E, 3.04 FEET; THENCE
N 00°51'00" W, 41.48 FEET; THENCE LEAVING SAID EAST LINE S 89°44'20" E, 200.11 FEET; THENCE
N 02°16'30" E, 258.61 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF STEWART ROAD;
THENCE WITH SAID SOUTH LINE S 84°46'00" E, 269.72 FEET TO THE NORTHEAST CORNER OF SAID LOT 2
THE POINT OF BEGINNING AND CONTAINING 2.83 ACRES.

THE RESULTS OF THIS SURVEY ARE AS SHOWN ON THE PLAT.

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED TRACT WAS
SURVEYED UNDER MY DIRECTION AND SUBDIVIDED AS SHOWN
ON THE ATTACHED PLAT IN ACCORDANCE WITH THE CURRENT
MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY BRUSH & ASSOCIATES, INC

J. DANIEL BRUSH

LS 2499

J. DANIEL BRUSH
LS 2499
DATE:

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC
IN AND FOR BOONE COUNTY, MISSOURI THIS ____ DAY
OF ____ 2013.

KEVIN M. SCHWEIKERT

NOTARY PUBLIC

MY COMMISSION EXPIRES 01-02-14

KNOW ALL MEN BY THESE PRESENTS:
THAT THE JERRY D. HARL AND SHARON E. HARL, REVOCABLE TRUST DATED
NOVEMBER 26, 2001 IS THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT
OF LAND, AND HAVE CAUSED SAID TRACT BE SURVEYED, SUBDIVIDED AND
PLATTED AS SHOWN ON THE PLAT. STREET RIGHT-OF-WAY FOR GREENWOOD
AVENUE IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE
FOREVER. EASEMENTS AS SHOWN ON THE PLAT ARE HEREBY DEDICATED TO
THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER.

JERRY D. HARL TRUSTEE SHARON E. HARL TRUSTEE

STATE OF MISSOURI)
COUNTY OF BOONE)

ON THIS ____ DAY OF ____ 2013 BEFORE
ME APPEARED JERRY D. HARL AND SHARON E. HARL, HUSBAND AND WIFE,
TRUSTEES OF THE JERRY D. HARL AND SHARON E. HARL REVOCABLE TRUST
DATED NOVEMBER 26, 2001 TO ME KNOWN TO BE THE PERSONS WHO EXECUTED
THE FOREGOING INSTRUMENT OF WRITING AND ACKNOWLEDGED THAT THEY DID
THE SAME AS THE FREE ACT AND DEED OF SAID TRUST.
IN TESTIMONY WHEREOF, I, A NOTARY PUBLIC, HAVE HEREUNTO SET MY HAND
AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN BOONE COUNTY, MISSOURI,
THE DAY AND YEAR FIRST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES: ____

ACCEPTED BY THE CITY COUNCIL THIS ____ DAY OF ____ 2013.

ROBERT MCDAVID MAYOR

SHEELA AMIN CITY CLERK