

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 140-13

AN ORDINANCE

approving the Final Plat of Arbor Falls, Plat No. 3, a Replat of Lots 102-108 of Arbor Falls, Plat 1 and Lots C9A, C9B and Part of C9D of Arbor Falls, Plat 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 Arbor Falls, Plat No. 3, a Replat of Lots 102-108 of Arbor Falls, Plat 1 and Lots C9A, C9B and Part of C9D of Arbor Falls, Plat 2, dated April 1, 2013, a major subdivision located northwest of Route WW and Old Hawthorne Drive West, containing approximately 7.59 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 Peter Grathwohl in connection with the approval of the Final Plat of Arbor Falls, Plat No. 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 day _____ of _____, 2013 between the City of Columbia, MO ("City") and **Peter Grathwohl**. ("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 **Arbor Falls, Plat No. 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 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

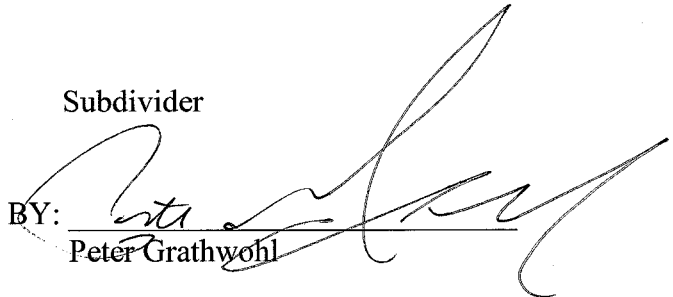
ATTEST:

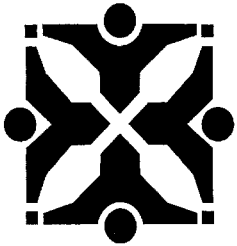
Sheela Amin, City Clerk

APPROVED AS TO FORM:

City Counselor

Subdivider

BY: 
Peter Grathwohl



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: May 20, 2013

Re: Arbor Falls, Plat 3 final major replat (**Case #13-63**)

EXECUTIVE SUMMARY:

A request by Crockett Engineering, on behalf of Peter Grathwohl (owner), for a 24-lot final plat to be known as "Arbor Falls, Plat No. 3." The 7.59-acre site is located northwest of Route WW and Old Hawthorne Drive West. (Case #13-63)

DISCUSSION:

The applicant requests approval of a 24-lot, final major replat to be known as "Arbor Falls, Plat 3." The platted lots apportion the Arbor Falls PUD Plan area previously approved by Council on February 18, 2013 (B39-13). As the structures on the site are single-family attached units, the plat divides the buildings into halves. Access is via private drives in a common area, which is required via the approved PUD standards. The plat has been reviewed by pertinent City departments and other agencies, and complies with the Subdivision Ordinance.

A locator map and 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



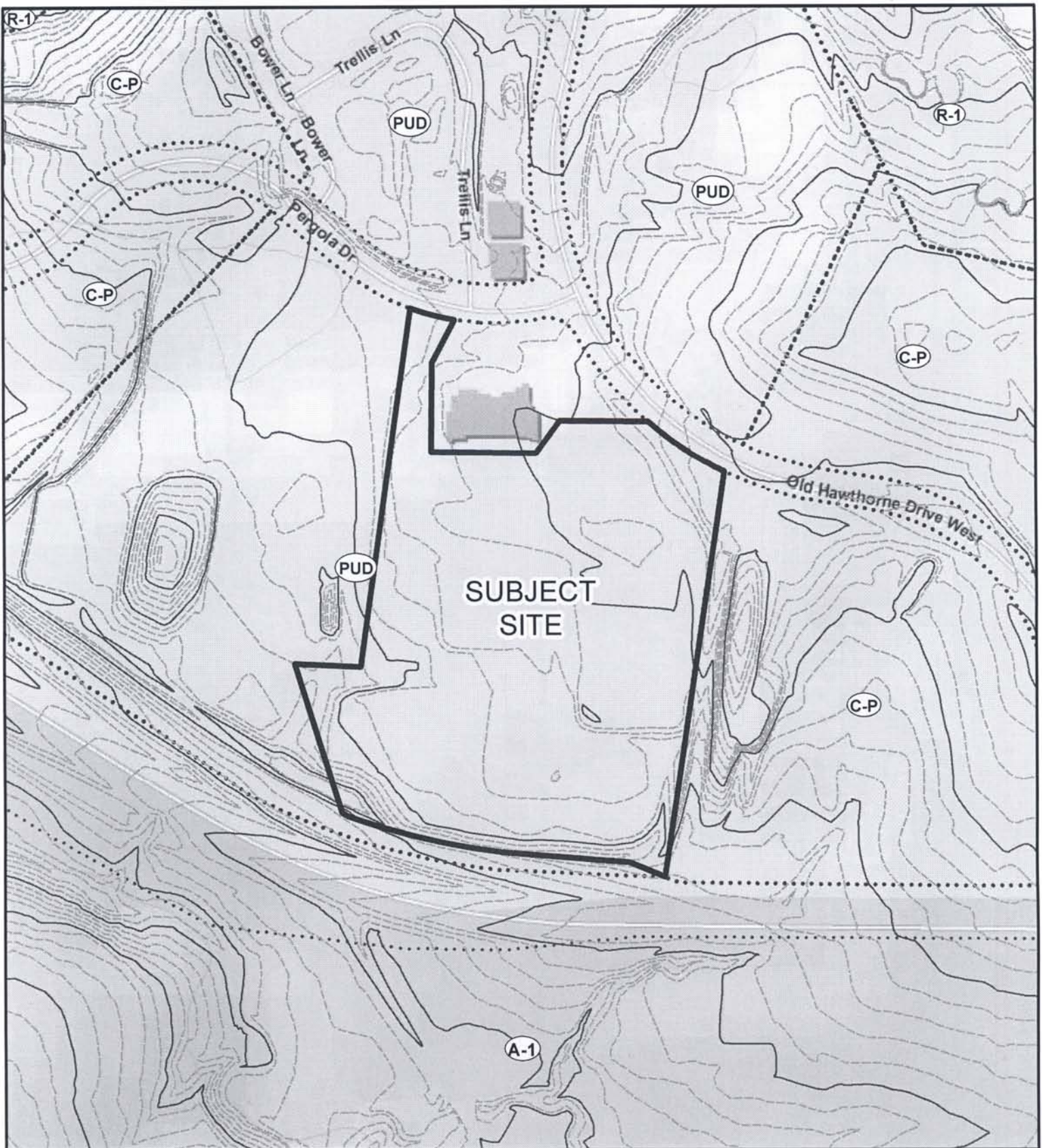
2011 Orthophoto
Source: Boone County Assessor

Case 13-63: Final Plat Arbor Falls, Plat No. 3

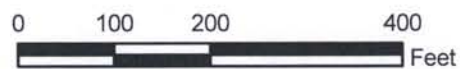
0 100 200 400
Feet

1 inch = 200 feet





**Case 13-63: Final Plat
Arbor Falls, Plat No. 3**

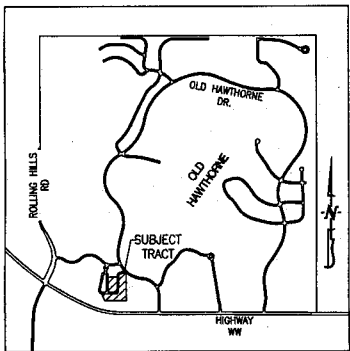


1 inch = 200 feet

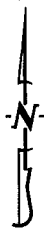


FINAL PLAT ARBOR FALLS, PLAT No. 3

A MAJOR REPLAT OF LOTS 102-108 OF ARBOR FALLS, PLAT 1 RECORDED IN PLAT BOOK 40, PAGE 118 AND LOTS C9A, C9B & PART OF C9D OF ARBOR FALLS PLAT 2, RECORDED IN PLAT BOOK 41, PAGE 27 ALL LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 12 WEST COLUMBIA, BOONE COUNTY, MISSOURI
APRIL 1, 2013



LOCATION MAP
NOT TO SCALE



SCALE: 1"=40'
0 20 40 80

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

LEGEND:

- E EXISTING
- S SET
- 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- PERMANENT MONUMENT
- (M) MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- (R) RADIAL LINE
- DH X DRILL HOLE
- W/ CHISELED X

CURVE TABLE

CURVE	L	R	Δ	CHDIST
1	21.89'	87.50'	14°20'10"	21.84'
2	23.40'	19.50'	88°45'30"	22.02'
3	196.25'	38.50'	292°03'25"	43.03'
4	16.85'	19.50'	49°30'40"	16.33'
5	40.36'	112.50'	20°33'15"	40.14'
6	31.42'	20.00'	90°00'00"	28.28'
7	23.55'	15.00'	89°56'25"	21.20'

NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAIN MAPS.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATE CODE OF REGULATIONS, 20 CSR 2030-16.040(2)(A).
- OLD HAWTHORNE DRIVE HAS BEEN DEDICATED AS PART OF OLD HAWTHORNE, PLAT NO. 1.
- NO RECORD TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY.
- 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 STREAMS ON THIS SITE.
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.

CERTIFICATION:

I HEREBY CERTIFY THAT IN APRIL OF 2013, I COMPLETED A SURVEY AND SUBDIVISION FOR PETER GRATHWOHL, OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF LOTS 102-108 OF ARBOR FALLS, PLAT 1 RECORDED IN PLAT BOOK 40, PAGE 118 AND LOTS C9A, C9B AND THE EAST PART OF LOT C9D ALL OF ARBOR FALLS, PLAT 2, RECORDED IN PLAT BOOK 41, PAGE 27 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3765, PAGE 111 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT C9A OF SAID ARBOR FALLS, PLAT 2, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD HAWTHORNE DRIVE WEST, THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND WITH THE EAST LINE OF SAID PLAT, S84°44'10"W, 618.57 FEET TO THE SOUTHEAST CORNER OF LOT C9B OF SAID ARBOR FALLS, PLAT 2; THENCE WITH THE SOUTH LINE OF SAID ARBOR FALLS, PLAT 2, N68°51'55"W, 47.97 FEET; THENCE N85°50'45"W, 193.00 FEET; THENCE 245.16 FEET ALONG A 1060.92-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N77°30'00"W, 244.61 FEET; THENCE LEAVING SAID SOUTH LINE, N17°31'40"W, 244.86 FEET; THENCE S89°56'30"E, 100.00 FEET; THENCE N62°50'5"E, 550.14 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF PERGOLA DRIVE; THENCE WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, 77.64 FEET ALONG A 380.00-FOOT RADIUS, NON-TANGENT, CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S76°04'20"E, 77.50 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE S28°57'20"W, 83.81 FEET TO THE NORTHWEST CORNER OF LOT 101 OF SAID ARBOR FALLS, PLAT 2; THENCE WITH THE WEST LINE OF SAID LOT 101, S0°44'50"E, 137.64 FEET TO THE NORTHWEST CORNER LOT 102 OF SAID ARBOR FALLS, PLAT 2; THENCE WITH THE NORTH LINE OF SAID LOT 102, N89°57'15"E, 160.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 102; THENCE LEAVING SAID NORTH LINE, N35°38'20"E, 62.30 FEET TO THE NORTHWEST CORNER OF LOT 103 OF SAID ARBOR FALLS, PLAT 2; THENCE WITH THE NORTH LINE OF SAID LOT 103, N89°57'55"E, 136.06 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD HAWTHORNE DRIVE WEST; THENCE WITH SAID SOUTHERLY RIGHT-OF-WAY LINE, 137.20 FEET ALONG A 525.00-FOOT RADIUS NON TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S57°10'55"E, 136.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.59 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
4/1/2013
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS ____ DAY
OF ____ 2013.

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

KNOW ALL MEN BY THESE PRESENTS:

THAT PETER GRATHWOHL IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT HE HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. 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 "ARBOR FALLS, PLAT NO. 3"

IN WITNESS WHEREOF, PETER GRATHWOHL HAS CAUSED THESE PRESENTS TO BE SIGNED.

PETER GRATHWOHL, OWNER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS ____ DAY OF ____ 2013 BEFORE
ME PERSONALLY APPEARED PETER GRATHWOHL, TO ME KNOWN,
WHO BY ME DULY SWORN, DID ACKNOWLEDGE THIS INSTRUMENT
TO BE HIS FREE ACT AND DEED.

SUBSCRIBED AND AFFIRMED BEFORE ME THIS ____ DAY
OF ____ 2013.

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

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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK