

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 327-13

AN ORDINANCE

approving the Final Plat of Fox Lair, 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 Fox Lair, Plat No. 2, certified and signed by the surveyor on October 16, 2013, a major subdivision located northwest of Labrador Drive, containing approximately 10.11 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 Mill Creek Manor, Inc. in connection with the approval of the Final Plat of Fox Lair, 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 _____, 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 **Mill Creek Manor, Inc.** ("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 **Fox Lair, 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:

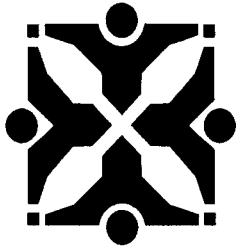
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Mill Creek Manor, Inc.

BY: John W. Oster V.P.



Source: Community Development - Planning

MT

Agenda Item No:

To: City Council

From: City Manager and Staff

MM

Council Meeting Date: Nov 4, 2013

Re: Fox Lair, Plat No. 2 - final major plat (Case 13-180)

EXECUTIVE SUMMARY:

A request by Mill Creek Manor, Inc. (owner) for a 10-lot final major plat on R-1 (One-Family Dwelling District) zoned land. The 10.11-acre subject site is located northwest of Labrador Drive. (Case 13-180)

DISCUSSION:

The applicant is requesting approval of a 10-lot plat on R-1 (One-Family Dwelling District) zoned land to accommodate the construction of 10 single-family residences. The proposed plat is substantially consistent with the preliminary plat known as Fox Lair, Preliminary Plat No. 1, which was approved by Council on February 19, 2007.

The plat has been reviewed by City departments and external agencies, and meets all applicable requirements of the City's Zoning and Subdivision Regulations. Locator maps, a reduced copy of the plat, and performance contracts are attached.

FISCAL IMPACT:

None

VISION IMPACT:

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

None

SUGGESTED COUNCIL ACTIONS:

Approval of the proposed final major 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/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 #	NA
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	NA
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	NA



Boone County Assessors Office, Sanborn Map Company



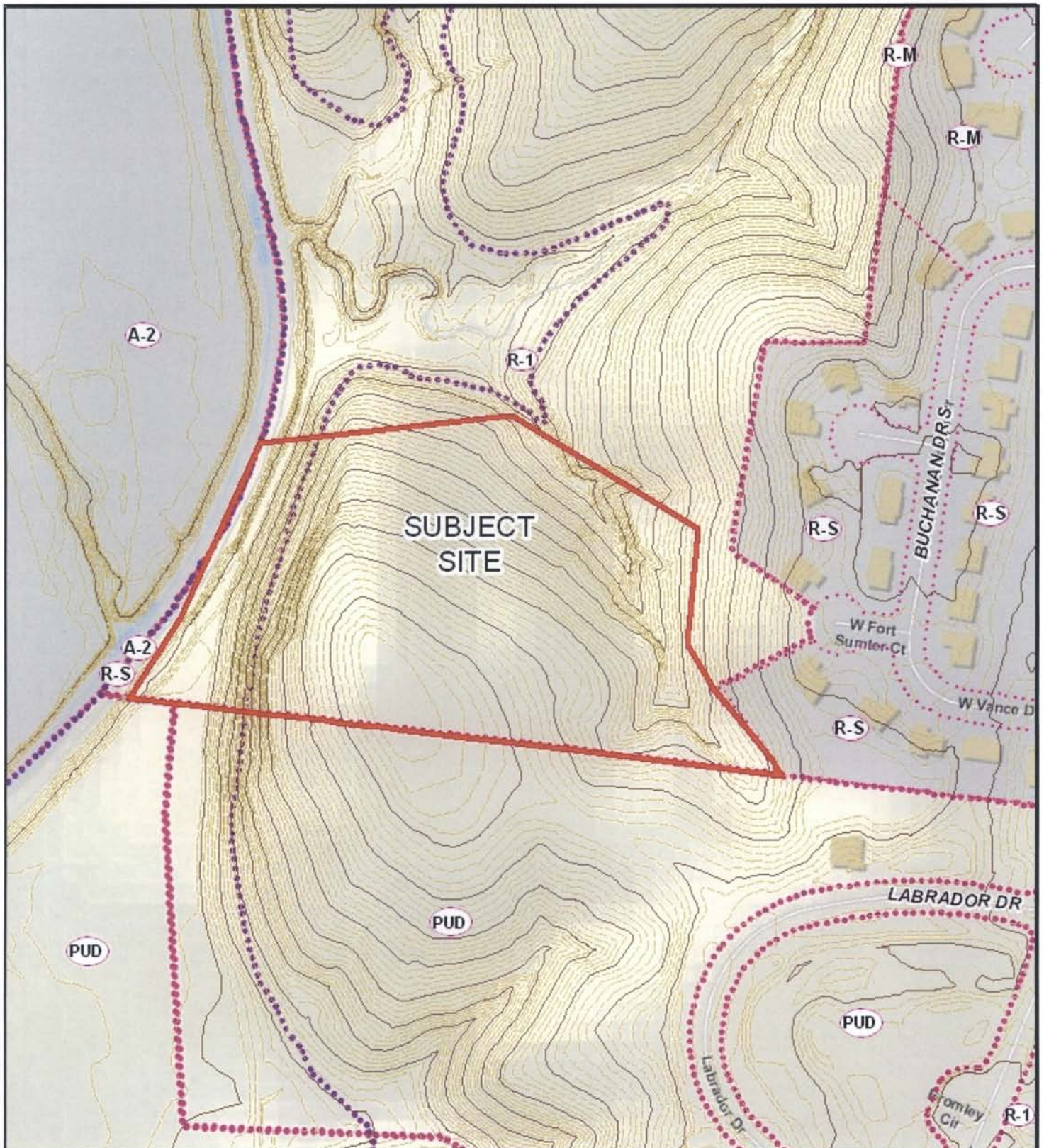
13-180: Fox Lair Plat No. 2 Final Major Plat



0 120 240 480
Feet

Parcel Data
Source: Boone County Assessor

Produced By the City of Columbia - Community Development Department



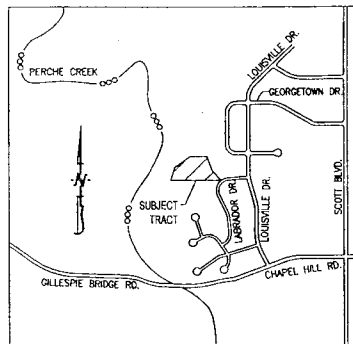
13-180: Fox Lair Plat No. 2 Final Major Plat

0 120 240 480 Feet



Parcel Data
Source: Boone County Assessor

Produced By the City of Columbia - Community Development Department



LOCATION MAP
NOT TO SCALE

SCALE: 1"=50'
0 25 50 100
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)
- STONE
- PERMANENT MONUMENT
- (M) MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- (R) RADIAL LINE
- DH X DRILL HOLE
- W/ CHISELED X

FINAL PLAT FOX LAIR, PLAT No. 2

A MAJOR SUBDIVISION LOCATED IN SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
SEPTEMBER 2, 2013

NOTES

- THIS TRACT IS LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY FLOOD PLAIN MAP #29019C02600, EFFECTIVE MARCH 17, 2011.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-16.040(2)(A).
- A CURRENT TITLE COMMITMENT WAS NOT 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. THE LOCATION OF THE STREAM BUFFER IS AS SHOWN ON THE ATTACHED GRAPHICS. (HUNTSDALE QUADRANGLE)
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETED.

CURVE TABLE

CURVE	L	R	Δ	CHDIST
1	230.75'	200.00'	66°06'15"	218.16'
2	23.26'	30.00'	44°24'55"	22.68'
3	220.52'	47.00'	268°49'50"	67.14'

CERTIFICATION

I HEREBY CERTIFY THAT IN AUGUST 2013, I COMPLETED A SURVEY FOR MILL CREEK MANOR, INC. OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3039, PAGE 72 AND BEING PART OF THE SURVEY RECORDED IN BOOK 739, PAGE 18 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

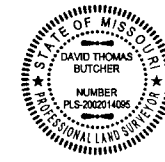
BEGINNING AT THE SOUTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 739, PAGE 18 AND WITH THE WEST LINE OF THEREOF, N36°30'10"E, 162.48 FEET; THENCE N24°23'40"E, 314.35 FEET; THENCE N30°35'35"E, 79.20 FEET; THENCE LEAVING SAID WEST LINE, N89°54'30"E, 420.33 FEET; THENCE S52°06'20"E, 362.08 FEET; THENCE S71°40'W, 189.25 FEET; THENCE S30°59'45"E, 86.06 FEET TO THE WESTERNMOST CORNER OF TRACT 102A OF THE LOT ADJUSTMENT SURVEY RECORDED IN BOOK 1532, PAGE 15; THENCE WITH THE LINES OF SAID LOT ADJUSTMENT SURVEY, S38°19'55"E, 185.98 FEET TO THE NORTH LINE OF WESTCLIFF, PLAT 3 RECORDED IN PLAT BOOK _____, PAGE _____; THENCE LEAVING THE LINES OF SAID LOT ADJUSTMENT SURVEY AND WITH SAID NORTH LINE OF WESTCLIFF, PLAT 3, N82°35'45"W, 1117.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.11 ACRES.

THIS SURVEY WAS MADE IN CONFORMANCE 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
DAVID T. BUTCHER, PLS-200214095
10/16/2013
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

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

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

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 MILL CREEK MANOR, INC. IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT THEY HAVE 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 HEREFTER BE KNOWN AS "FOX LAIR, PLAT NO. 2"

IN WITNESS WHEREOF, MILL CREEK MANOR, INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGING MEMBER.

MILL CREEK MANOR, INC.

FRED OVERTON, VICE PRESIDENT & SECRETARY

STATE OF MISSOURI } SS
COUNTY OF BOONE }

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

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

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

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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

