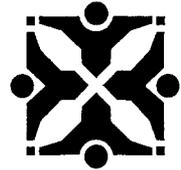


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B121-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 5, 2014

Re: Old Hawthorne, Plat No. 13 - final major plat (Case #14-50)

Documents Included With This Agenda Item

Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Maps, Plats and Plans

Executive Summary

A request by JQB Construction, Inc. (owner) for approval of a 23-lot final major plat of PUD (Planned Unit Development) zoned land, to be known as "Old Hawthorne, Plat No. 13". The 8.25-acre subject site is located on the north side of Old Hawthorne Drive East. (Case #14-50)

Discussion

The applicant is seeking final plat approval of a 23-lot major subdivision on 8.25 acres of land within the Old Hawthorne subdivision. The acreage upon which the subdivision is proposed is zoned PUD-4 and will allow for the development of 20 single-family and 3 common area lots.

The proposed final plat is consistent with the previously approved Vista's at Old Hawthorne PUD development plan (i.e. the preliminary plat) for this acreage. The final plat has been reviewed by both internal and external departments and agencies and found to comply with the Subdivision Regulations.

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

Fiscal Impact

Short-Term Impact: Short-Term Impact: There are no short-term fiscal impacts anticipated with this proposal. This project is located within PSWD #9 and Boone Electric territories. Sanitary and storm sewers as well as public roadways will be installed at the developer's expense.

Long-Term Impact: Long-Term Impact: The development of this site will increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands will be offset by increased property and sales tax revenues and user fees.

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Comprehensive Plan Impact: Land Use & Growth Management, Livable & Sustainable Communities

Suggested Council Action

Approval of the proposed final plat.

Legislative History

Rezoning of tract acreage to PUD 4 (Ord. 19117 - July 17, 2006)

Approval of Vistas @ Old Hawthorne PUD Development Plan (Ord. 19274 - November 6, 2011)

Minor PUD revision (June 2010)



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 121-14

AN ORDINANCE

approving the Final Plat of Old Hawthorne, Plat No. 13, 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. 13, as certified and signed by the surveyor on April 18, 2014, a major subdivision located on the north side of Old Hawthorne Drive East, containing approximately 8.11 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 JQB Development, LLC in connection with the approval of the Final Plat of Old Hawthorne, Plat No. 13. 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 _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this day ____ of _____, 2014 between the City of Columbia, MO (“City”) and **JQB 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. 13**, 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

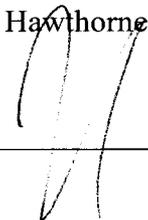
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

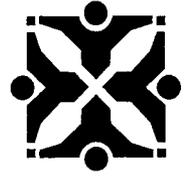
Nancy Thompson, City Counselor

Old Hawthorne, Plat No. 13

BY: _____


City of Columbia

701 East Broadway, Columbia, Missouri 65201



SUPPORTING DOCUMENTS INCLUDED WITH
THIS AGENDA ITEM ARE AS FOLLOWS:

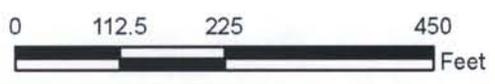
Maps, Plats and Plans

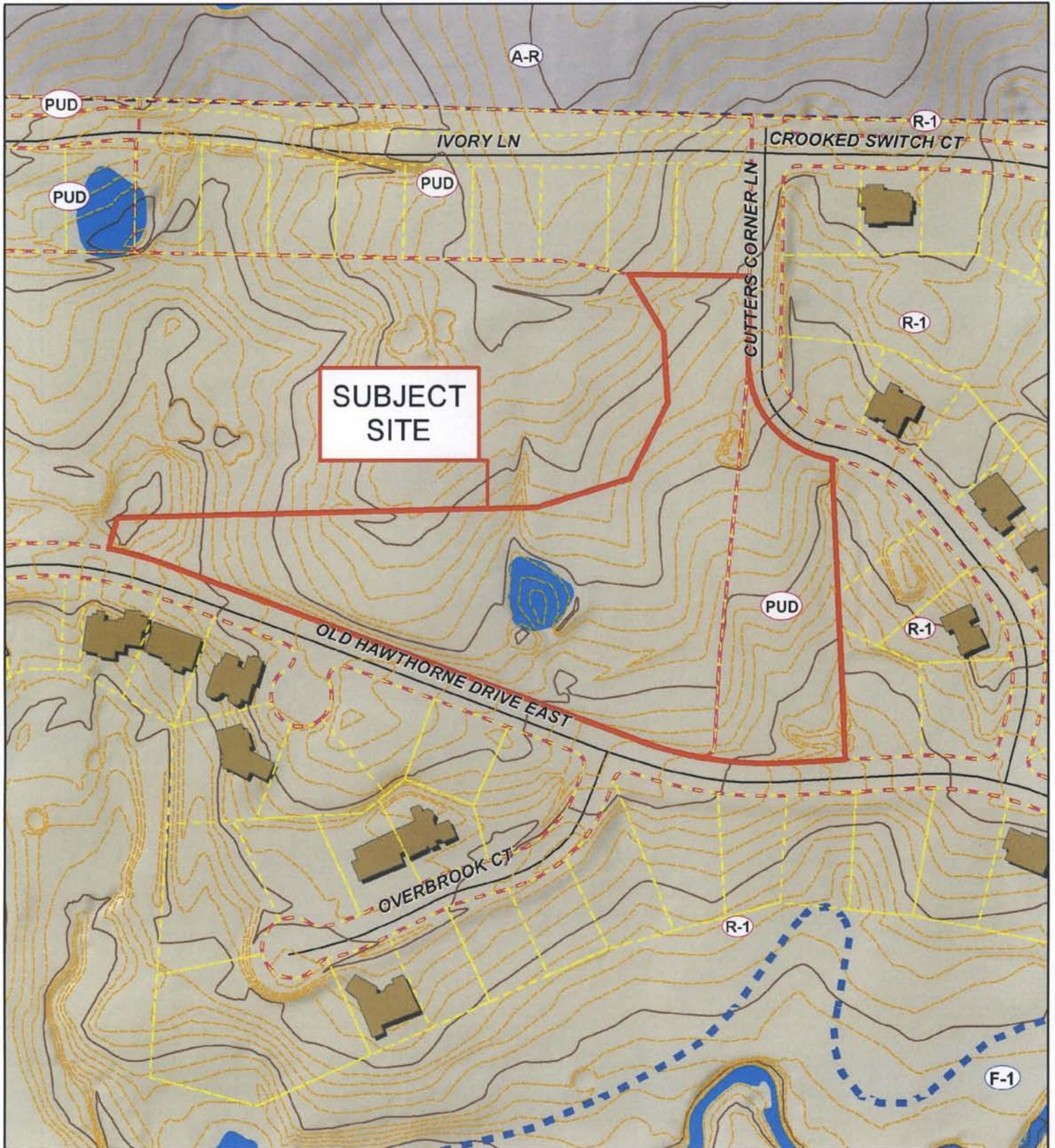


14-50: Old Hawthorne Plat No. 13 Final Major



Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department





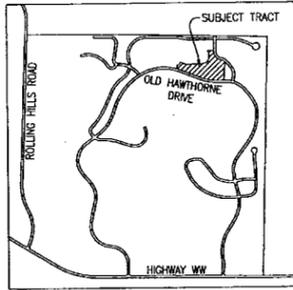
14-50: Old Hawthorne Plat No. 13 Final Major



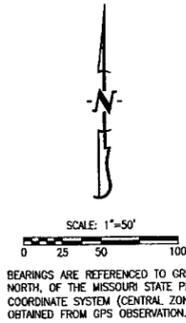
Hillshade Data: Boone County GIS Office
 Parcel Data Source: Boone County Assessor
 Imagery: Boone County Assessor's Office, Sanborn Map Company
 Created by The City of Columbia - Community Development Department



FILED FOR RECORD IN BOONE COUNTY, MISSOURI
BETIE JOHNSON, RECORDER OF DEEDS



LOCATION MAP
NOT TO SCALE



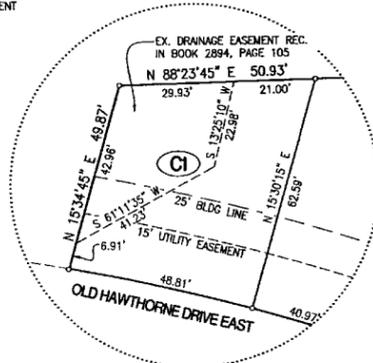
BEARINGS ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE), OBTAINED FROM GPS OBSERVATION.

FINAL PLAT OLD HAWTHORNE, PLAT No. 13

A MAJOR SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
MARCH 31, 2014

LEGEND:

- E EXISTING
- o SET 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- o PERMANENT MONUMENT
- (R) RADIAL LINE
- DH x DRILL HOLE
- W/ CHISELED X



DETAIL
1" = 20'

CURVE	L	R	A	CHGRT
1	113.97'	100.00'	65°18'00"	107.90'
2	321.05'	275.00'	66°53'25"	303.12'
3	97.89'	175.00'	32°03'05"	96.62'
4	27.99'	100.00'	16°02'20"	27.90'
5	218.83'	55.00'	227°57'40"	100.51'
6	29.63'	20.00'	84°52'45"	26.99'
7	36.17'	20.00'	103°36'40"	31.44'
8	31.66'	20.00'	90°42'30"	28.46'
9	27.78'	20.00'	79°34'30"	25.60'
10	27.70'	20.00'	79°20'30"	25.53'
11	25.07'	20.00'	71°49'50"	23.46'
12	33.91'	20.00'	97°08'40"	29.99'

NOTES:

- THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN PANEL NUMBER 29019C 0325D DATED 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).
- OLD HAWTHORNE DRIVE HAS BEEN DEDICATED AS PART OF OLD HAWTHORNE, PLAT NO. 1. CUTTERS CORNER LANE HAS BEEN DEDICATED AS PART OF OLD HAWTHORNE, PLAT NO. 4
- NO RECORD TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY.
- THIS TRACT IS NOT 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. (MILLERSBURG QUADRANGLE)
- ALL MONUMENTS WILL BE SET AFTER CONSTRUCTION OF STREET AND UTILITIES ARE COMPLETE.
- LOTS C1, C2 AND C3 ARE INTENDED TO BE COMMON LOTS THAT ARE NOT FOR DEVELOPMENT. THEY WILL BE TRANSFERRED TO THE HOMEOWNERS ASSOCIATION WHEN COMPLETED.

CERTIFICATION:

I HEREBY CERTIFY THAT IN MARCH OF 2014, I COMPLETED A SURVEY FOR JOB 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 NO. 1, RECORDED IN BOOK 40, PAGE 86 AND PART OF THE LAND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4260, PAGE 180 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH RIGHT-OF-WAY LINE OF OLD HAWTHORNE DRIVE EAST AT THE SOUTHWEST CORNER OF LOT 415 OF OLD HAWTHORNE, PLAT NO. 4 RECORDED IN PLAT BOOK 41, PAGE 37, THENCE WITH SAID NORTH RIGHT-OF-WAY LINE, S 86°51'15"W, 92.96 FEET; THENCE 232.04 FEET ALONG A 575.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N 81°35'06"W, 230.47 FEET; THENCE N 70°13'30"W, 779.22 FEET; THENCE 89.78 FEET ALONG A 525.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N 74°55'25"W, 89.67 FEET TO TRACT 3 OF THE WARRANTY DEED RECORDED IN BOOK 3741, PAGE 60; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE AND WITH THE LINES OF SAID TRACT 3, N 15°34'45"E, 49.87 FEET; THENCE N 88°23'45"E, 649.02 FEET; THENCE N 72°43'55"E, 150.44 FEET; THENCE N 26°28'25"E, 128.96 FEET; THENCE N 03°33'40"W, 108.92 FEET; THENCE N 31°11'00"W, 103.80 FEET TO THE SOUTH LINE OF OLD HAWTHORNE, PLAT NO. 4 RECORDED IN PLAT BOOK 47, PAGE 5; THENCE ALONG SAID LINE, S 89°17'55"E, 186.97 FEET; THENCE LEAVING SAID PLAT AND ALONG THE RIGHT-OF-WAY OF CUTTERS CORNER LANE, OLD HAWTHORNE, PLAT NO. 4 S 0°50'05"W, 129.95 FEET; THENCE 217.28 FEET ALONG A 150-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S 40°47'00"E, 198.78 FEET; THENCE S 02°49'25"E, 459.75 FEET ALONG SAID PLAT TO THE POINT OF BEGINNING AND CONTAINING 8.11 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:

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

CORPORATE NUMBER: 2000151304



DAVID T. BUTCHER, PLS-2002014095
4/18/2014
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS ____ DAY OF _____, 2014.

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 JOB DEVELOPMENT, LLC IS THE SOLE OWNER OF THE HEREOF DESCRIBED TRACT AND THAT SAID LIMITED LIABILITY COMPANY HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATED 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 "OLD HAWTHORNE, PLAT NO. 13"

IN WITNESS WHEREOF, JOB DEVELOPMENT, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT AND SECRETARY, THIS ____ DAY OF _____, 2014.
JOB DEVELOPMENT, LLC.

J. QUINN BELLNER, PRESIDENT AND SECRETARY

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS ____ DAY OF _____, 2014 BEFORE ME PERSONALLY APPEARED J. QUINN BELLNER, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT AND SECRETARY OF SAID LIMITED LIABILITY COMPANY AND THAT THEY FURTHER ACKNOWLEDGE THIS INSTRUMENT TO BE THEIR FREE ACT AND THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

DANIELLE GRIFFITH
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 _____, 2014.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

RECEIVED

APR 21 2014

PLANNING DEPT.