

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 16-13

AN ORDINANCE

approving the Replat of Bridge Terrace Plat 2; 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 Replat of Bridge Terrace Plat 2, dated December 4, 2012, a subdivision located on the north side of Stewart Road and east of Garth Avenue (15 East Stewart Road), containing approximately 0.26 acre 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 Paul and Michelle Hinshaw in connection with the approval of the Final Plat of Bridge Terrace Plat 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 _____, 20____ between the City of Columbia, MO ("City") and Paul and Michelle Hinshaw ("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 Bridge Terrace Plat 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 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:

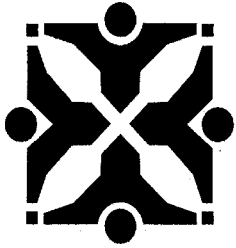
Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider

BY: Paul A. Hinshon
Michelle Hinshon



Source: Community Development - Planning *W*

Agenda Item No:

To: City Council
From: City Manager and Staff *MM*

Council Meeting Date: Jan 7, 2013

Re: Bridge Terrace, Plat 2, replat request (**Case #12-189**)

EXECUTIVE SUMMARY:

A request by A Civil Group, on behalf of Paul and Michelle Hinshaw, for a replat of four lots in Bridge Terrace Subdivision to be known as Bridge Terrace, Plat 2. The 0.26-acre property is located at 15 E. Stewart Road. (**Case # 12-189**)

DISCUSSION:

The applicants request a replat of four existing lots into one lot in the Bridge Terrace Subdivision, which was originally platted in 1910. This platting action is necessary since the original plat was not previously approved by the Planning and Zoning Commission.

The combined parcel would total 11,390 square feet, or 0.26 acres. To refrain from further reducing the buildable area on the proposed lot, a street easement of 8.11 to 8.46 feet is proposed along the north side of Stewart Road. This easement would allow a 30-foot right-of-way from the centerline of Stewart Road. The building setback remains 25 feet from the property line; however, construction cannot encroach into the street easement. The plat has been reviewed by external and internal departments and agencies, and complies with the Subdivision Ordinance.

The Planning and Zoning Commission unanimously (7-0) recommended approval of the replat request at its December 20, 2012 meeting. Locator maps, a staff report, meeting excerpts, a performance contract for sidewalk installation, and a 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:

The Planning and Zoning Commission recommends 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/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

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 20, 2012**

SUMMARY

A request by A Civil Group, on behalf of Paul and Michelle Hinshaw, for a replat of four lots in Bridge Terrace Subdivision to be known as Bridge Terrace, Plat 2. The 0.26-acre property is located at 15 E. Stewart Road. **(Case # 12-189)**

DISCUSSION

The applicants request a replat of four existing lots into one lot in the Bridge Terrace Subdivision, which was originally platted in 1910. As the lots have not previously been reviewed by the Planning Commission, the replat must be considered by the Commission before the request proceeds to the City Council. As they are part of a recorded subdivision plat, however, the lots, at present, do constitute legal lots as defined in the Subdivision Ordinance.

The lots vary from 25 to 56 feet in width, and 36 to 89 feet in depth. The combined parcel would total 11,390 square feet, or 0.26 acres. Virtually all of the site is in the 100-year floodplain, indicated as zone "X" on the 2011 FIRM map. All future construction must be at least two feet above the base flood elevation. To refrain from further reducing the buildable area on the proposed lot, a street easement of 8.11 to 8.46 feet is proposed along the north side of Stewart Road. This easement would allow a 30-foot right-of-way from the centerline of Stewart Road. The building setback remains 25 feet from the property line; however, construction cannot encroach into the street easement.

The plat has been reviewed by various external and internal departments and agencies, and complies with the Subdivision Ordinance. Locator maps and a copy of the plat are attached.

STAFF RECOMMENDATION

Staff recommends approval of the replat.

SITE CHARACTERISTICS

Area (acres)	0.26
Topography	Flat
Vegetation	Grass and trees
Watershed	Flat Branch
Existing structures	Old utility structure
Existing zoning	R-3

SITE HISTORY

Annexation date	1845
Initial zoning	Apartment (equivalent to R-3 multiple-family dwelling)
Previous rezoning(s)	None
Metro 2020 Plan	Neighborhood

UTILITIES & SERVICES

Sanitary Sewer	All City of Columbia Services
Water	
Electric	
Fire Protection	

ACCESS

Stewart Road	South of site
Major Roadway Plan classification	Neighborhood collector
Capital Improvement Program projects	Description: Flat Branch Watershed Relief Sewers (ID 801) Cost: \$6.75M Timeline: 6-10 years
Right-of-way needed	Currently 46' total (substandard); 30' half-width of required 60' possible with proposed street easement

Pedestrian Access Needs	
Sidewalks	None; 5' wide sidewalks required
CATSO Bicycle/Pedestrian Network Plan	Stewart Road is an urban trail/pedway

PARKS & RECREATION

Neighborhood Parks Plan	Stewart Park nearby to the northwest
Trails Plan	MKT Trail nearby to east
Trail easement(s)	None

Report prepared by ML

Approved by PRZ



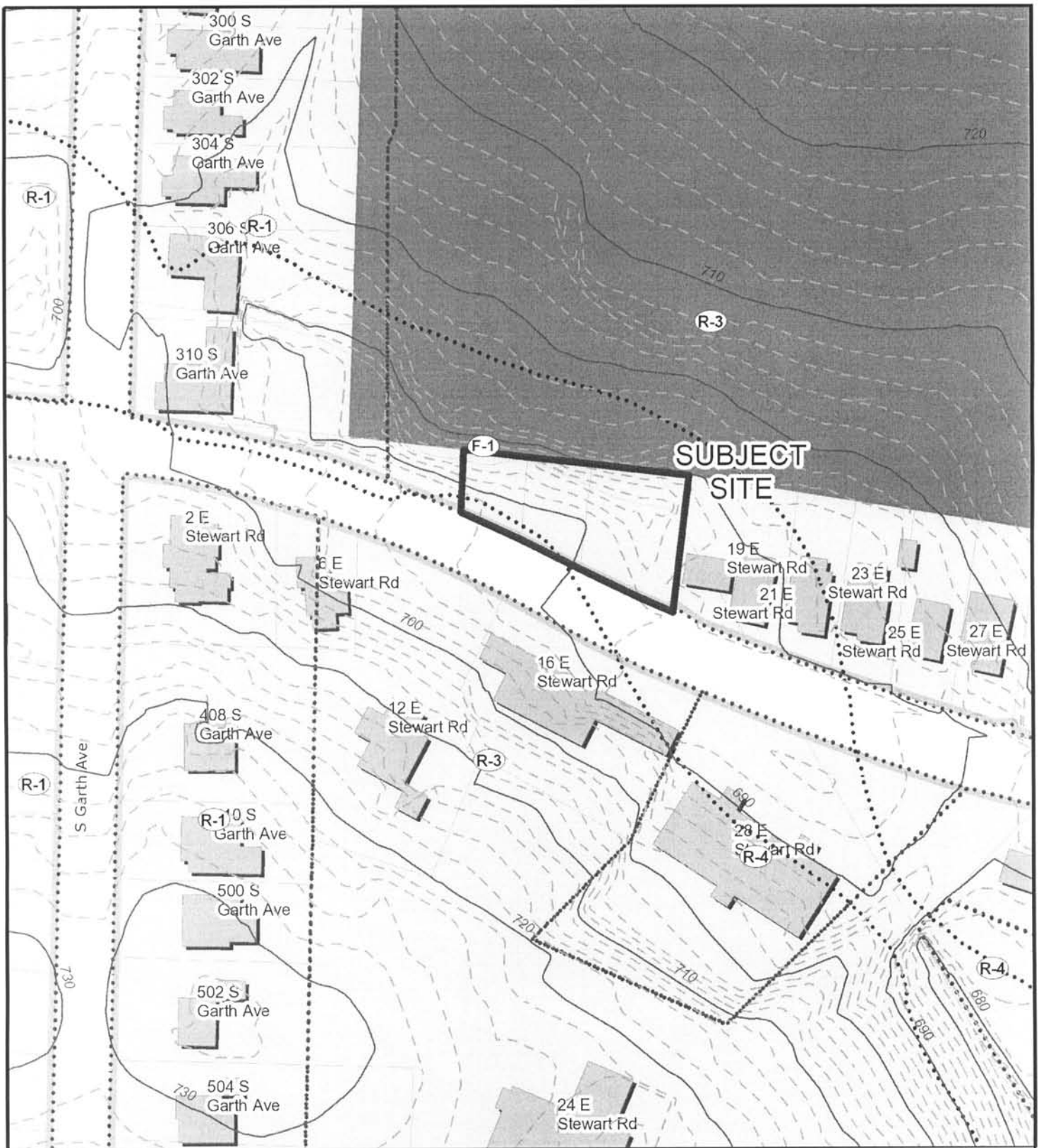
2011 Orthophoto
Source: Boone County Assessor

Case 12-189: Replat Bridge Terrace, Plat 2



1 inch = 100 feet





**Case 12-189: Replat
Bridge Terrace, Plat 2**



1 inch = 100 feet



STREAM BUFFER STATEMENT

THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM
BUFFER ORDINANCE DUE TO THIS LOT BEING SHOWN ON A FINAL PLAT
PRIOR TO JANUARY 2, 2007.

REPLAT
BRIDGE TERRACE PLAT 2

DECEMBER 4, 2012

FLOOD PLAIN STATEMENT

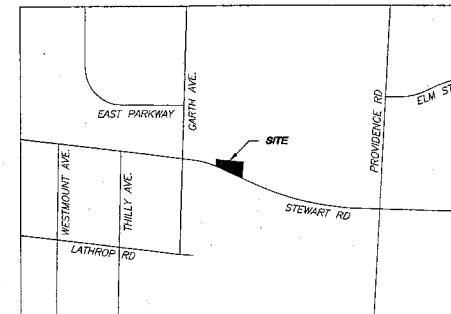
A PORTION OF THIS TRACT IS LOCATED WITHIN ZONE X
SHADED AS SHOWN BY FIRM #29019C02800, DATED
MARCH 17, 2011.

LEGEND

- IRON PIPE CAP #2001006115
- EXISTING
- SET
- (REC) RECORD
- ⊕ BENCH MARK
- ⊗ DRILL HOLE
- IP — IRON PIPE
- RB — REBAR
- ⊙ MONUMENT
- ⊙ PERMANENT MONUMENT
- RW — RIGHT-OF-WAY MARKER
- STONE —
- BCS — BOONE COUNTY SURVEY
- (R) RADIAL LINE
- JC — CENTERLINE
- 0.000 SQUARE FEET
- 00.00 AC ACRES
- X — EXISTING FENCE
- FLOODPLAIN

NOTES

1. THIS IS AN URBAN CLASS SURVEY.
2. ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
3. RECORD TITLE INFORMATION WAS NOT PROVIDED FOR THIS PLAT.
4. SQUARE FOOTAGES ARE CALCULATED VALUES AND ARE NOT INTENDED TO REPRESENT THE PRECISION OF THE SURVEY.
5. IN ACCORDANCE WITH THE SUBDIVISION PERFORMANCE CONTRACT, A FUTURE 5' SIDEWALK WILL BE CONSTRUCTED ADJACENT TO THIS TRACT AT THE BACK OF THE EXISTING STEWART ROAD CURBLINE.
6. A DETAILED FLOOD STUDY OF THIS AREA AS IT RELATES TO THE CITY OF COLUMBIA F-1 FLOODPLAIN OVERLAY DISTRICT WAS APPROVED JULY 30, 2012.
7. THE FINAL PLAT OF BRIDGE TERRACE CALLED FOR STEWART ROAD RIGHT-OF-WAY TO BE 46 FEET. THE LOCATION OF MONUMENTS FOUND ON BOTH SIDES OF STEWART ROAD DO NOT THAT DISTANCE, SO THE CENTERLINE OF EXISTING PAVEMENT WAS LOCATED AND THE ADDITIONAL STREET EASEMENT SHOWN IS BASED OFF THE CENTERLINE OF STEWART ROAD.



LOCATION MAP

NOT TO SCALE

KNOW ALL MEN BY THESE PRESENTS

PAUL A. & MICHELLE L. HINSHAW, HUSBAND AND WIFE, BEING SOLE OWNERS OF THE BELOW DESCRIBED TRACT, HAVE CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, PAUL A. HINSHAW AND MICHELLE L. HINSHAW HAVE CAUSED THESE PRESENTS TO BE SIGNED.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA, FOREVER.

PAUL A. HINSHAW

MICHELLE L. HINSHAW

STATE OF MISSOURI } SS
COUNTY OF BOONE

ON THIS _____ DAY OF _____, IN THE YEAR 2012, BEFORE ME, SPENCER HASKAMP, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED PAUL A. AND MICHELLE L. HINSHAW, HUSBAND AND WIFE, KNOWN TO ME TO BE THE PERSONS WHO EXECUTED THE WITHIN FINAL PLAT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND DESCRIBED BY THE WARRANTY DEED RECORD IN BOOK 1766, PAGE 76 AND BEING PART OF LOTS 1 THROUGH 4 OF BRIDGE TERRACE AS RECORDED IN PLAT BOOK 2, PAGE 26, ALL OF THE BOONE COUNTY RECORDS AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE GAS COMPANY LOT AS SHOWN BY SURVEY RECORDED IN BOOK 278 PAGE 195, THENCE ALONG THE NORTH LINE OF SAID LOT AND THE NORTH LINE OF LOTS 2, 3, AND 4 OF SAID BRIDGE TERRACE, S87°49'10"E, 178.32 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SAID LOT 4; THENCE ALONG THE EAST LINE OF SAID WEST HALF OF LOT 4, S32°45'40"W, 89.93 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STEWART ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE, N71°15'55"W, 187.03 FEET TO THE SOUTHWEST CORNER OF SAID GAS COMPANY LOT; THENCE ALONG THE WEST LINE OF SAID LOT, N07°43'05"E, 36.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.26 ACRES.

I HEREBY CERTIFY THAT I SURVEYED THE 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
A CIVIL GROUP
CORPORATE #2001006115

JAY GEBHARDT L.S. 2001001909

DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE

SUBSCRIBED AND AFFIRMED BEFORE ME THIS _____ DAY
OF _____, 2012.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

SCALE: 1" = 10'

BEARINGS ARE ROTATED 6°21'32"
CLOCKWISE FROM THE SOUTH LINE OF
THE SURVEY RECORDED IN BK
2669, PG 147 (REC=581°27'40"E)

APPROVED BY THE COLUMBIA CITY COUNCIL
THIS _____ DAY OF _____, 2013.

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

APPROVED BY THE CITY OF COLUMBIA PLANNING & ZONING
COMMISSION THIS _____ DAY OF _____, 2013.

DOUG WHEELER, CHAIRMAN



A CIVIL GROUP
CIVIL ENGINEERING, PLANNING, SURVEYING
7401 BEDFORD BUSINESS TRAIL COURT
SUITE 105
COLUMBIA, MD 21046
PHONE: (571) 841-7150, FAX: (571) 841-1071

**EXCERPTS
PLANNING AND ZONING COMMISSION
DECEMBER 20, 2012**

IV.) SUBDIVISIONS

12-189 A request by A Civil Group, on behalf of Paul and Michelle Hinshaw, for a replat of four lots in Bridge Terrace Subdivision to be known as Bridge Terrace, Plat 2. The 0.26-acre property is located at 16 E. Stewart Road.

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the replat.

MR. WHEELER: Thank you. Are there any questions of Staff? This is not a public hearing, but if there's any pertinent information we need -- no? Thank you. All right. Commissioners, who wants to lead off tonight?

MS. PETERS: This seems fairly straightforward to me and, unless anyone else wishes to have a discussion, I'd move for approval.

MR. SKALA: I'll second it.

MR. WHEELER: Motion's been made and seconded. Discussion on the motion?

MR. SKALA: Just a comment. I mean, since this is essentially a ministerial function with the replatting, unless there's some public safety issue, and there doesn't appear to be, it's pretty straightforward, so --

MR. WHEELER: All right. Any other comments? All right. Motion's made and seconded. May we have a role call, please?

MR. VANDER TUIG: We have a motion and a second for the replat of four lots in Bridge Terrace Subdivision to be known as Bridge Terrace, Plat 2.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Mr. Skala, Mr. Strodman, Mr. Tillotson, Mr. Wheeler, Mr. Vander Tuig. Motion carries 7-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.