

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 85-13

AN ORDINANCE

approving the Final Plat of Forest Hills, Plat No. 1, 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 Forest Hills, Plat No. 1, dated February 11, 2013, a major subdivision located at the current terminus of Rice Road and on the west side of Lake of the Woods Road, containing approximately 14.27 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 BMT Service Company, LLC in connection with the approval of the Final Plat of Forest Hills, Plat No. 1. 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 **BMT Service Company, 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 **Forest Hills Plat No.1**, 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

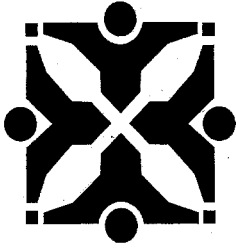
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

City Counselor

BMT Service Company, LLC
BY: 
David E. Shepherd, VP



Source: Community Development - Planning **TT**

Agenda Item No:

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

Council Meeting Date: Apr 1, 2013

Re: Forest Hills, Plat No. 1 final plat request (Case #13-28)

EXECUTIVE SUMMARY:

A request by Crockett Engineering, on behalf of TMB Service Corporation, for a 55-lot, final major subdivision to be known as "Forest Hills, Plat No. 1." The 14.27-acre property is located west of Lake of the Woods Road on Rice Road, extended. (Case #13-28)

DISCUSSION:

The applicant requests approval of a 55-lot final plat. The development would connect Lake of the Woods Road to Ballenger Lane via the completion of Rice Road. The subject site was part of a similar request in 2008 that was withdrawn from the Council agenda. The plat substantially complies with the preliminary plat approved for the site in 2006. Traffic calming measures were illustrated on the approved preliminary plat; staff recommends their implementation as the site is developed.

The plat has been reviewed by pertinent departments and agencies, and complies with the Subdivision Regulations.

Locator maps and a reduced size copy of the plat are attached.

FISCAL IMPACT:

None.

VISION IMPACT:

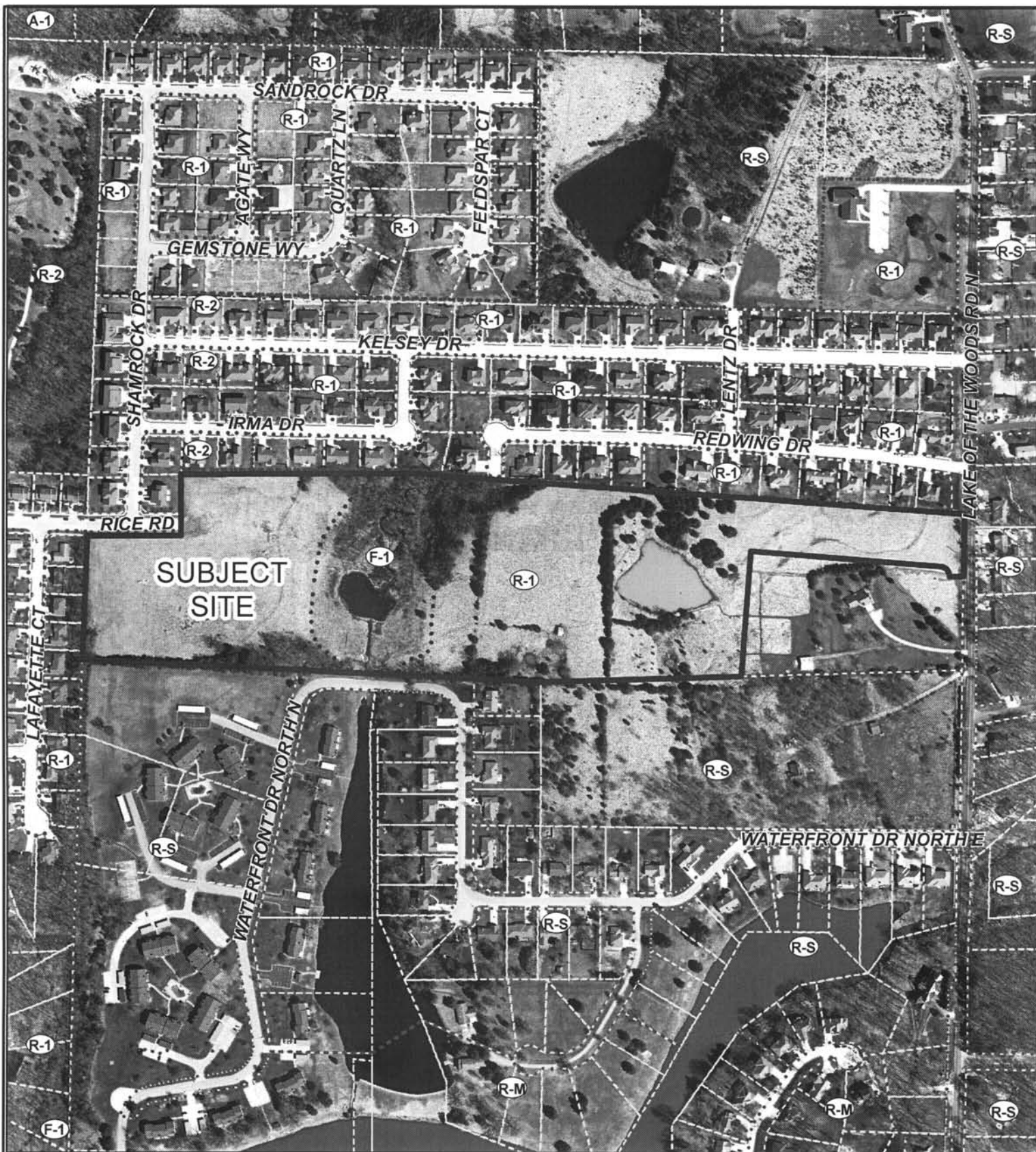
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None.

SUGGESTED COUNCIL ACTIONS:

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



Case 13-28: Final Major Plat Forest Hills, Plat 1

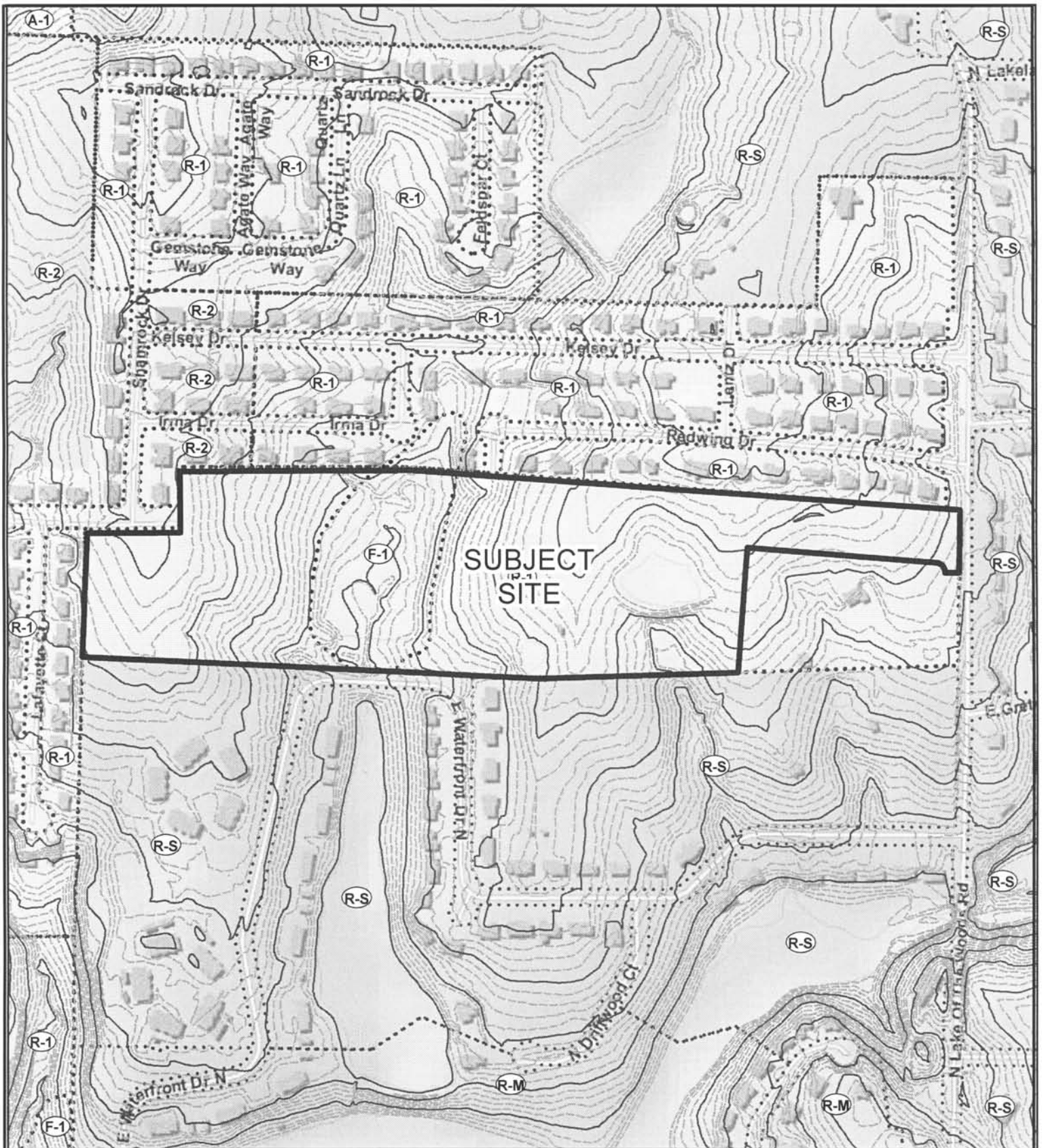


2011 Orthophoto
Source: Boone County Assessor



1 inch = 400 feet





**Case 13-28: Final Major Plat
Forest Hills, Plat 1**



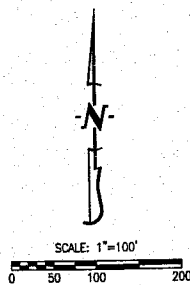
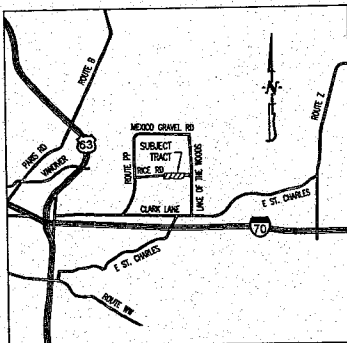
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Feet

1 inch = 400 feet



FINAL PLAT FOREST HILLS, PLAT No. 1

A MAJOR SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF
SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
FEBRUARY 11, 2013



BEARINGS ARE REFERENCED TO THE EAST
LINE OF MEADOWLANDS SUBDIVISION, PLAT
14, RECORDED IN PLAT BOOK 31, PAGE 17.

LEGEND:
E EXISTING
S SET
1/2" IRON PIPE
(UNLESS NOTED OTHERWISE)
PERMANENT MONUMENT
MEASURED DISTANCE
(REC) RECORDED DISTANCE
DH X
W/ CHISELED X

NOTES:

- A PORTION OF THIS TRACT IS LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN BY CITY OF COLUMBIA FLOOD PLAIN MAP #29019C 0285D AND 29019C 0325D, BOTH DATED MARCH 17, 2011.
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 20 CSR 2030-16.04(2)(A).
- RECORD TITLE INFORMATION WAS PROVIDED BY ARCHER TITLE COMPANY, LLC, COMMITMENT NO. 07090033, DATED SEPTEMBER 21, 2007.
- THIS TRACT IS NOT REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 12A-230, ARTICLE X OF THE CITY OF COLUMBIA CODE OF ORDINANCES.
- LOTS 111 & 147 ARE TO BE TRANSFERRED TO THE HOMEOWNERS ASSOCIATION.
- THE OWNER INTENDS TO VACATE THE EXISTING SEWER EASEMENT UPON COMPLETION OF THE CONSTRUCTION OF THE NEW SEWER LINE.
- ALL MONUMENTATION WILL BE SET AFTER THE CONSTRUCTION OF THE STREETS AND UTILITIES ARE COMPLETE.

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

ROBERT McDAVID, MAYOR

SHEELA AMIN, CITY CLERK

KNOW ALL MEN BY THESE PRESENTS:

THAT BMT SERVICE COMPANY, LLC, IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT SAID CORPORATION HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ADJACENT DRAWING. THE STREET RIGHT OF WAY SHOWN BY THE ADJACENT DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER. THE ADJACENT DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "FOREST HILLS, PLAT NO. 1."

IN WITNESS WHEREOF, BMT SERVICE COMPANY, LLC, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER, THIS 25 DAY OF MARCH, 2013.

BMT SERVICE COMPANY, LLC.

DAVID E. SHEPHERD, MANAGER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS 25 DAY OF MARCH, 2013 BEFORE ME PERSONALLY APPEARED DAVID E. SHEPHERD, TO ME KNOWN, WHO BY ME DULY SWORN, DID SAY THAT HE IS THE PRESIDENT AND MANAGER AND THE AUTHORIZED AGENT OF SAID COMPANY AND THAT HE FURTHER ACKNOWLEDGES THIS INSTRUMENT TO BE HIS FREE ACT AND THE FREE ACT AND DEED OF SAID COMPANY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY AND YEAR AFORESAID.

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 25 DAY OF MARCH, 2013.

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

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

CERTIFICATION:

I HEREBY CERTIFY THAT IN APRIL 2008, I COMPLETED A SURVEY AND SUBDIVISION OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE SURVEY RECORDED IN BOOK 505, PAGE 133 AND BEING THE TRACT DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 4124, PAGE 128 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

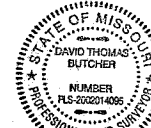
BEGINNING ON THE SOUTH LINE OF EVERGREEN ACRES, PLAT 2 RECORDED IN PLAT BOOK 36, PAGE 39 AT THE NORTHEAST CORNER OF LOT 97 OF EVERGREEN ACRES, PLAT 3 RECORDED IN PLAT BOOK 36, PAGE 79; THENCE FROM THE POINT OF BEGINNING AND WITH THE SOUTH LINE OF SAID EVERGREEN ACRES, PLAT 2, N87°36'15"E, 701.46 FEET; THENCE S87°59'35"E, 1698.82 FEET TO THE EAST LINE OF SAID SECTION 3; THENCE WITH THE EAST LINE OF SAID SECTION, S1°46'20"E, 191.79 FEET; THENCE LEAVING SAID EAST LINE, S88°13'40"W, 40.00 FEET; THENCE 46.14 FEET ALONG A 30.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD N43°56'10"W, 41.72 FEET; THENCE N87°59'35"W, 584.06 FEET; THENCE S2°00'25"W, 77.50 FEET; THENCE N87°59'35"W, 120.00 FEET; THENCE S2°00'25"W, 47.13 FEET; THENCE N87°59'35"W, 50.00 FEET; THENCE S89°49'40"W, 610.12 FEET; THENCE N88°32'30"W, 50.00 FEET; THENCE N88°01'50"W, 184.20 FEET; THENCE N73°53'20"W, 149.35 FEET; THENCE S87°49'20"W, 439.05 FEET; THENCE N80°00'00"W, 16.04 FEET; THENCE N2°33'05"W, 113.23 FEET TO THE SOUTH LINE OF EVERGREEN ACRES, PLAT 3 RECORDED IN PLAT BOOK 36, PAGE 79; THENCE WITH THE LINES OF SAID PLAT, N87°26'55"E, 41.74 FEET; THENCE N22°11'0"W, 185.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.27 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



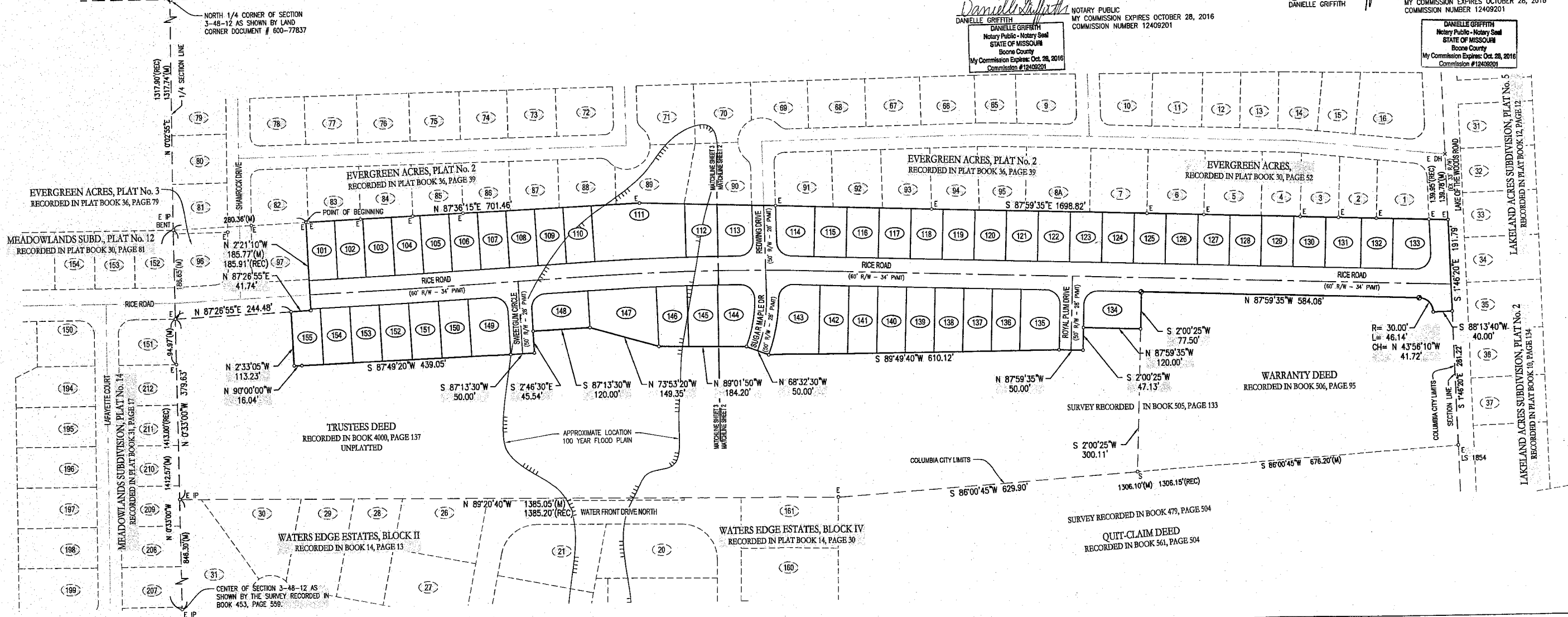
DAVID T. BUTCHER
DAVID T. BUTCHER, PLS-2002014085
3/21/2013
DATE

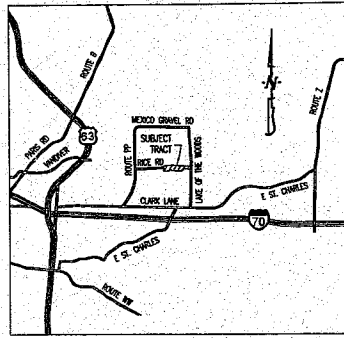
STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 21 DAY OF MARCH, 2013.

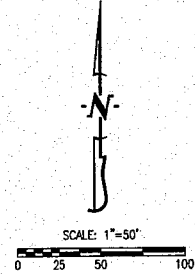
DANIELLE GRIFFITH
DANIELLE GRIFFITH
Notary Public - Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires Oct. 28, 2016
Commission #12409201

NOTARY PUBLIC
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LOCATION MAP
NOT TO SCALE



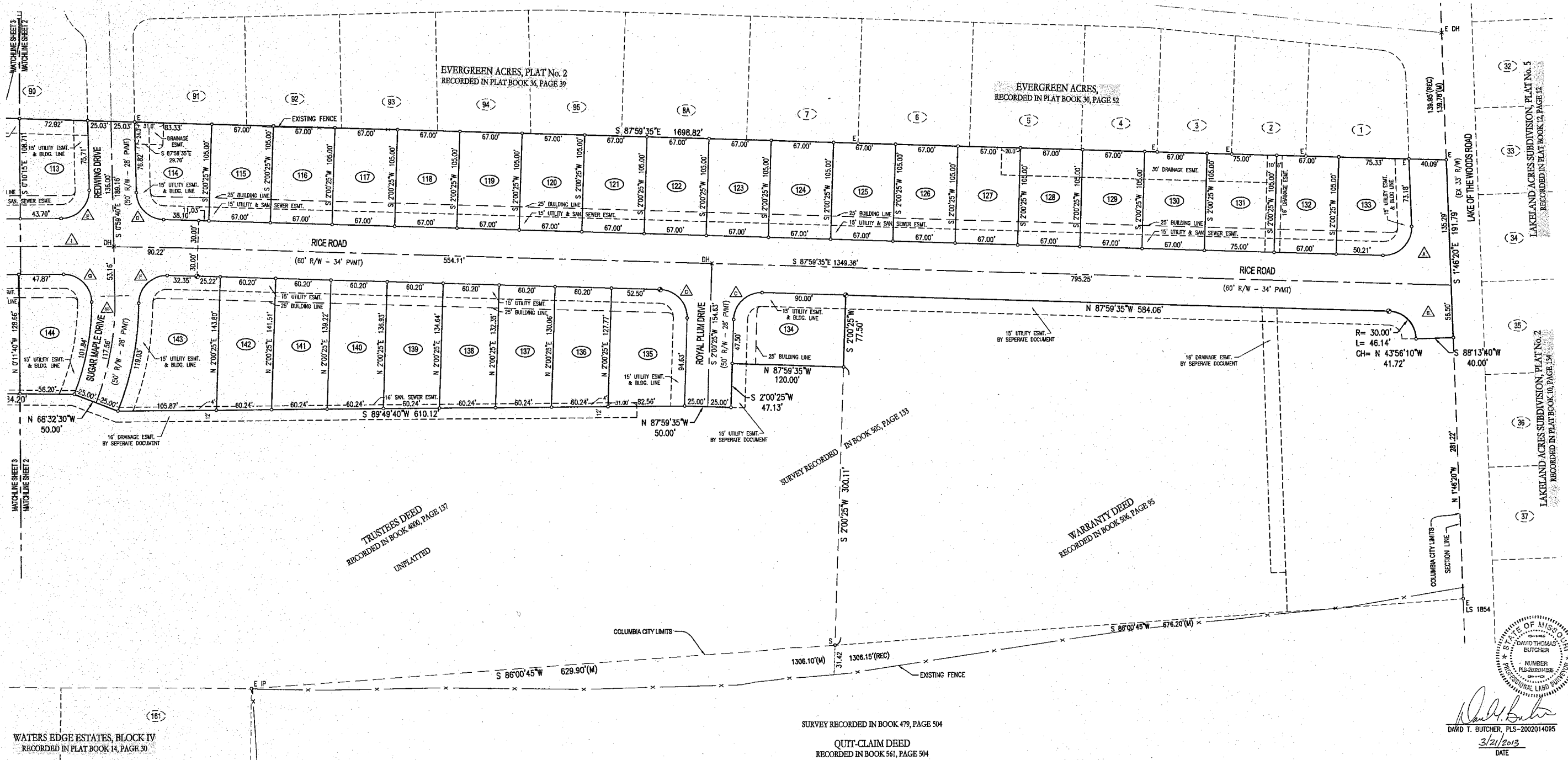
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W/ CHISELED X

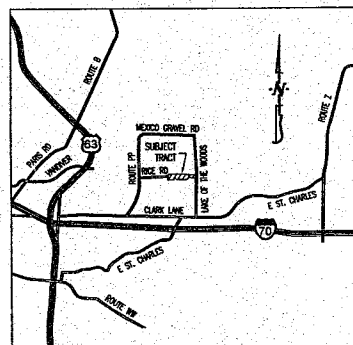
CURVE TABLE			
R	Δ	CH	
A 30.00'	49.10'	93°46'45"	43.80'
B 30.00'	45.15'	86°13'15"	41.00'
C 30.00'	47.12'	90°00'00"	42.43'
D 30.00'	45.76'	87°25'60"	41.47'
E 30.00'	47.82'	91°19'15"	42.91'
F 30.00'	47.73'	91°09'35"	42.85'
G 30.00'	47.06'	89°52'50"	42.38'
H 300.00'	117.56'	22°27'05"	116.81'
I 5000.00'	348.54'	0°35'40"	348.47'
J 30.00'	46.99'	89°45'15"	42.34'
K 30.00'	47.25'	90°14'45"	42.52'
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FINAL PLAT FOREST HILLS, PLAT No. 1

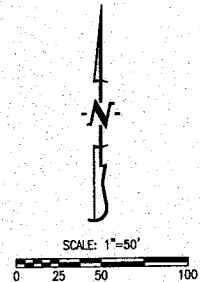
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STATE OF MISSOURI
DAVID THOMAS BUTCHER
PLS-2002014095
3/21/2013
DATE



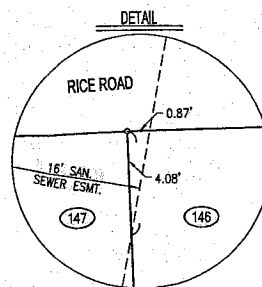
LOCATION MAP
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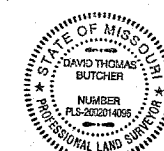
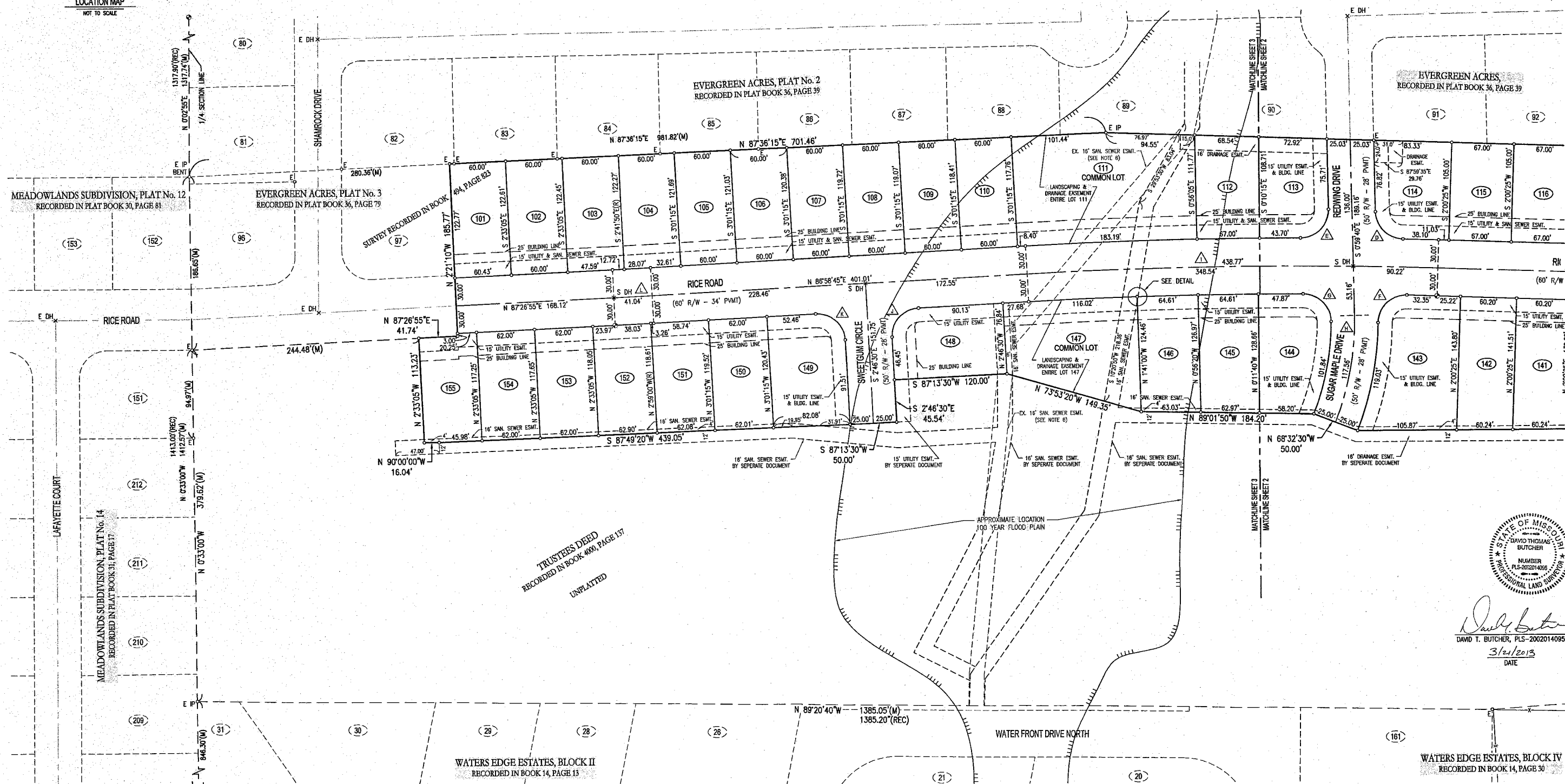
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David T. Butcher
DAVID T. BUTCHER, PLS.-2002014095
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DATE

WATERS EDGE ESTATES, BLOCK II
RECORDED IN BOOK 14, PAGE 13

WATERS EDGE ESTATES, BLOCK IV
RECORDED IN BOOK 14, PAGE 30