

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 117-13

### **AN ORDINANCE**

vacating a utility easement on Lot 2 within Landmark Subdivision Plat 1 located north of Country Club Drive and south of McAlester Street; directing the City Clerk to have a copy of this ordinance recorded; 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 finds and determines that a certain utility easement, more particularly described as follows:

An existing easement tract of land located in the south half of the Northeast Quarter of Section 7, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri, said tract being a part of Lot 2 of Landmark Subdivision Plat 1, as shown by plat recorded in Plat Book 42 at Page 31, and also a part of the easement tract described by document recorded in Book 251 at Page 333, all of the Boone County Records. Said tract is more particularly described as follows:

Starting at the Northwest corner of said Landmark Subdivision Plat 1; thence, along the north line of Lot 2, N 89°29'20"E, 324.10 feet; thence, leaving said north line, S 00°32'55"E, 10.00 feet to the point of beginning of this tract; thence N 89°27'05"E, 5.00 feet; thence S 00°32'55"E, 229.39 feet; thence S 13°52'25"E, 368.82 feet to the northerly right-of way line of Country Club Drive; thence, along said northerly right-of-way line, and 6.90 feet along a curve to the left, having a radius of 305.86 feet, the chord of said curve being S 32°34'55"W, 6.90 feet, to the southwest corner of said Lot 2 of Landmark Subdivision Plat 1; thence N 13°52'25"W, 194.36 feet; thence S 89°32'35"W, 5.14 feet; thence N 13°52'25"W, 179.19 feet; thence N 00°32'55"W, 230.56 feet; thence N 89°27'05"E, 5.00 feet to the point of beginning and containing 5054 square feet or 0.116 acres.

is in excess and surplus to the needs of the City and is hereby vacated.

SECTION 2. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be recorded in the office of the Recorder of Deeds of Boone County, Missouri.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

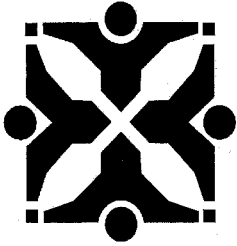
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: May 6, 2013

Re: Bear Creek Properties, LLC easement vacation request (Case #13-52)

**EXECUTIVE SUMMARY:**

A request by C. Stephen Heying (surveyor), on behalf of Bear Creek Properties, LLC (owner), for an easement vacation. The site is located north of Country Club Drive and south of McAlester Street. (Case #13-52)

**DISCUSSION:**

The applicant requests the vacation of a utility easement that bifurcates the property. The site is also subject to a pending replat, scheduled to be introduced to Council on May 20. A new utility easement would be provided as part of the plat. Other utility easements are available along the Country Club Drive and McAlester Street frontages, so all lots potentially created or reapportioned by the replat would retain access to necessary utilities.

This request has been reviewed by applicable internal and external departments and agencies and is supported. Locator maps and a copy of the vacation exhibit are attached.

**FISCAL IMPACT:**

None.

**VISION IMPACT:**

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

None.

**SUGGESTED COUNCIL ACTIONS:**

Staff recommends approval of the easement vacation.

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



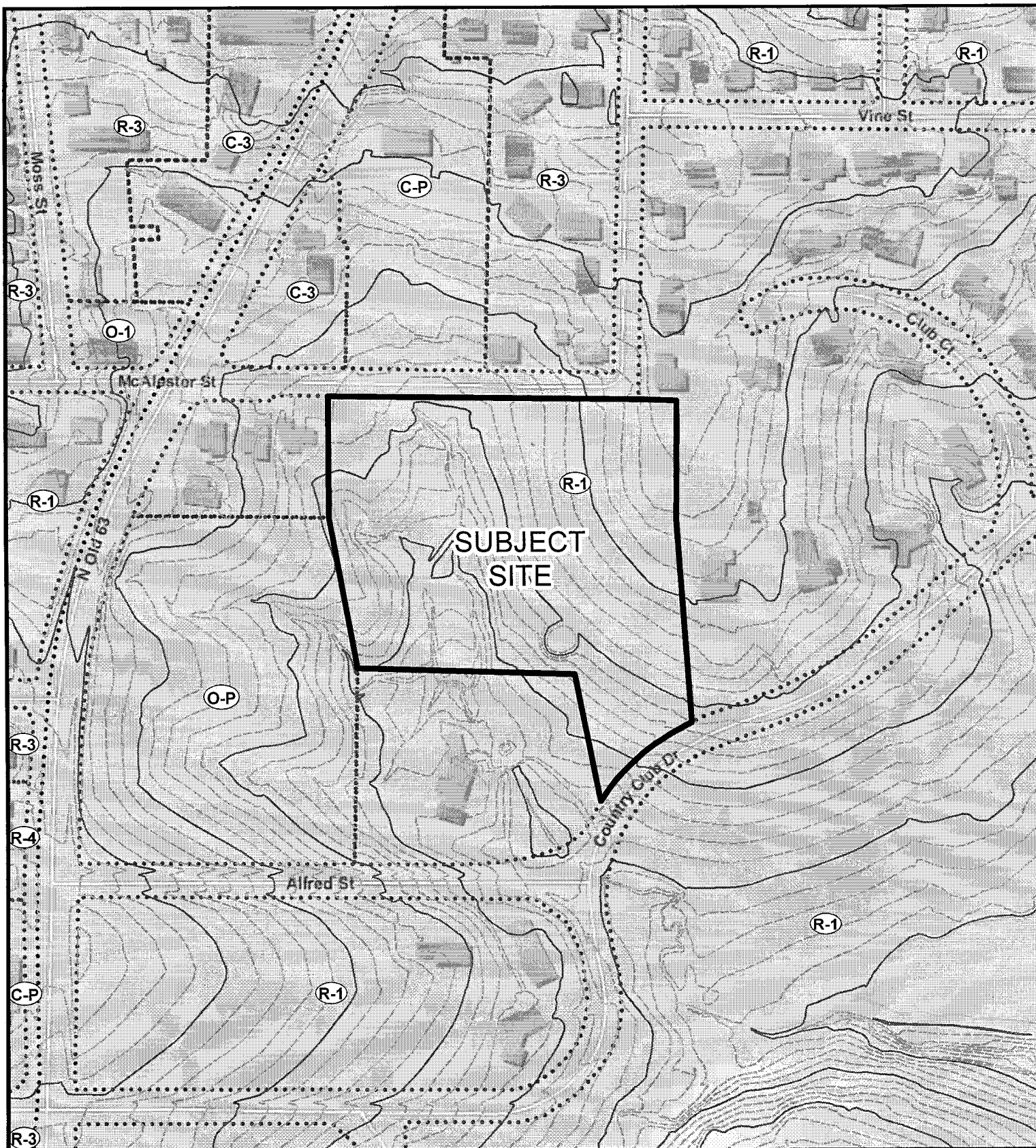
## Case 13-52: Landmark Subdivision, Plat 2 Replat and easement vacation/dedication



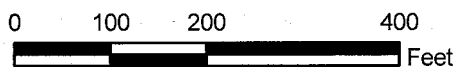
0 100 200 400  
Feet

1 inch = 200 feet





**Case 13-52: Landmark Subdivision, Plat 2  
Replat and easement vacation/dedication**

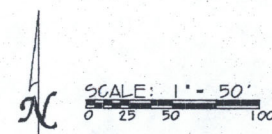


1 inch = 200 feet





FINAL REPEAT OF A MINOR SUBDIVISION  
**LANDMARK SUBDIVISION - PLAT 2**  
COLUMBIA, BOONE COUNTY, MISSOURI  
MARCH 11, 2013



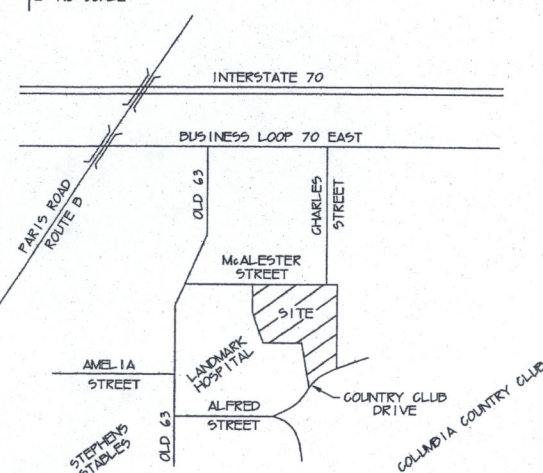
**LEGEND:**  
— IRON PIPE OR RE-BAR  
— EXISTING SET  
— POWER POLE (EXISTING)  
(60.00') RECORD DIMENSION  
— GUIDE WIRE

**BASIS OF BEARING:**  
THE NORTH LINE OF LOT 2 OF LANDMARK SUBDIVISION AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 42, PAGE 31 OF THE BOONE COUNTY RECORDS.

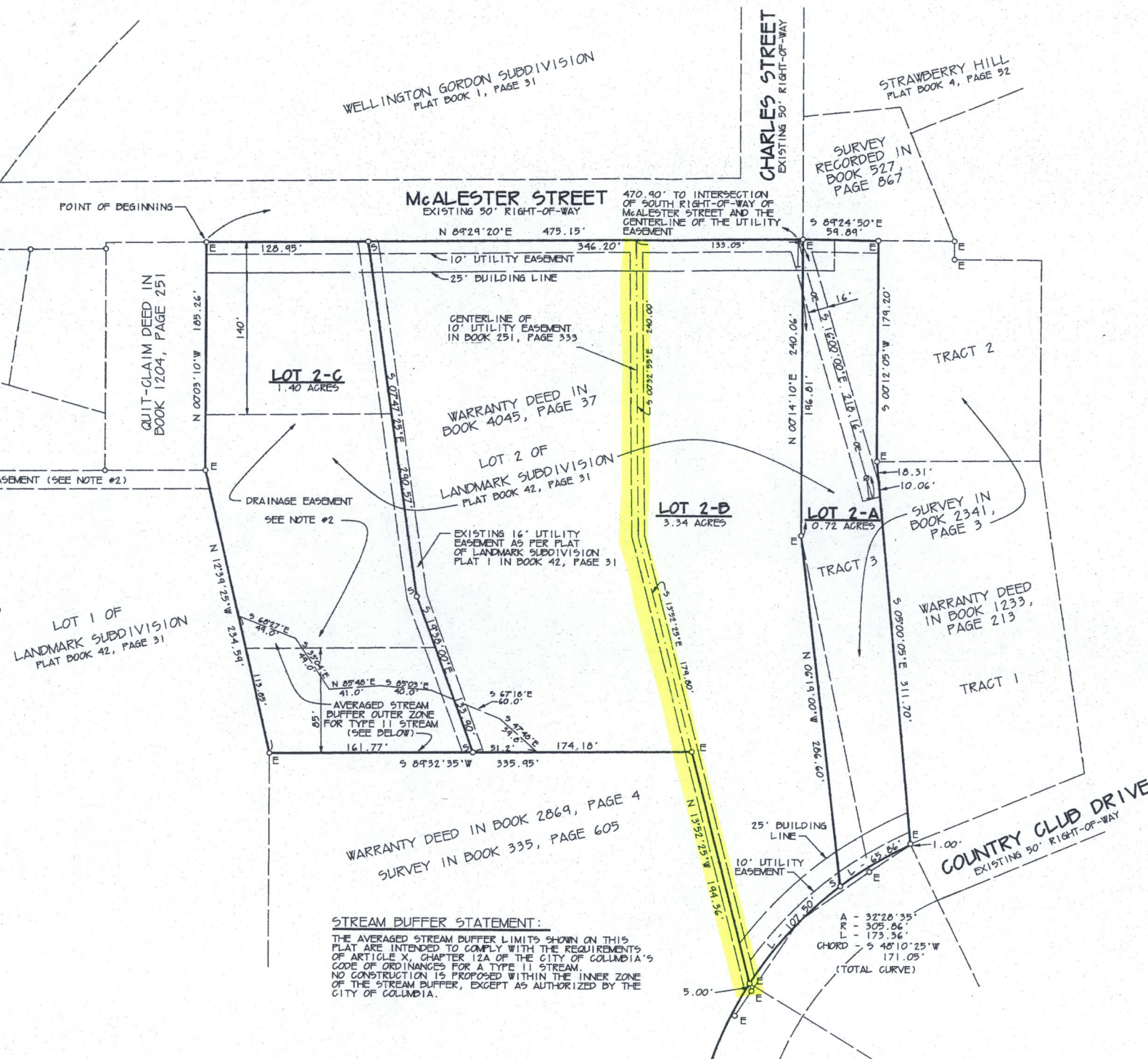
**NOTES:**

- 1.) THIS PLAT CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 4 CSR 2030-16.040(2)(A).
- 2.) THE DRAINAGE EASEMENT SHOWN IS FOR A STORM WATER FACILITY TO BE UTILIZED BY BOTH LOTS 1 AND 2 OF LANDMARK SUBDIVISION PLAT 1 AS SHOWN BY PLAT RECORDED IN PLAT BOOK 42, PAGE 31. THIS FACILITY WILL NOT BE MAINTAINED BY THE CITY OF COLUMBIA. A DRAINAGE EASEMENT BY SEPARATE DOCUMENT EXECUTED BY THE RESPECTIVE LOT OWNERS WILL DESCRIBE THE CONDITIONS AND RESPONSIBILITY FOR MAINTENANCE OF THE FACILITY. ACCESS TO THE EASEMENT AREA IS PROVIDED ON LOT 1 OF SAID LANDMARK SUBDIVISION PLAT 1, AND IS NOT INTENDED FOR PUBLIC USE, BUT IS TO PROVIDE REPRESENTATIVES OF THE CITY OF COLUMBIA ACCESS TO THE DRAINAGE EASEMENT AREA FOR INSPECTION PURPOSES.
- 3.) THIS TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN BY THE CITY OF COLUMBIA'S FLOOD MAPS.

**SITE MAP**  
NO SCALE



LANDMARK SUBDIVISION PLAT 2



WARRANTY DEED IN BOOK 2869, PAGE 4  
SURVEY IN BOOK 335, PAGE 605

**STREAM BUFFER STATEMENT:**

THE AVERAGED STREAM BUFFER LIMITS SHOWN ON THIS PLAT ARE INTENDED TO COMPLY WITH THE REQUIREMENTS OF ARTICLE X, CHAPTER 12A OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES FOR A TYPE II STREAM. NO CONSTRUCTION IS PROPOSED WITHIN THE INNER ZONE OF THE STREAM BUFFER, EXCEPT AS AUTHORIZED BY THE CITY OF COLUMBIA.

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

DOUG WHEELER - CHAIRPERSON

APPROVED BY THE CITY OF COLUMBIA CITY COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

ROBERT McDAVID - MAYOR

SHEELA AMIN - CITY CLERK

SURVEY AND PLAT BY:  
C. STEPHEN HEYING SURVEYING  
1202 MADISON STREET  
COLUMBIA, MISSOURI 65203  
(573) 442-3455

**DESCRIPTION:**

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 48 NORTH, RANGE 12 WEST, IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING LOT 2 OF LANDMARK SUBDIVISION AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 42, PAGE 31 OF THE BOONE COUNTY RECORDS AND BEING FURTHER DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 OF LANDMARK SUBDIVISION, THENCE ALONG THE LINE OF SAID LOT 2, N 89°24'20"E, 475.15 FEET; THENCE S 89°24'50"E, 59.89 FEET; THENCE S 00°12'05"W, 179.20 FEET; THENCE S 09°00'05"E, 311.70 FEET; THENCE 173.36 FEET ALONG A CURVE TO THE LEFT THAT IS NON TANGENT TO THE PRECEDING COURSE HAVING A RADIUS OF 305.86 FEET THE CHORD OF SAID CURVE BEING S 48°10'25"W, 171.05 FEET; THENCE N 13°52'25"W, 194.36 FEET; THENCE S 89°32'35"W, 335.95 FEET; THENCE N 12°39'25"W, 234.59 FEET; THENCE N 00°03'10"W, 185.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.46 ACRES.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

I HEREBY CERTIFY THAT I MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND SUBDIVIDED IT AS SHOWN ON THE ATTACHED DRAWING IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

C. STEPHEN HEYING, PLS. 1991  
NOTARY PUBLIC

STATE OF MISSOURI )  
COUNTY OF BOONE ) ss

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES - \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS:**

THAT BEAR CREEK PROPERTIES, A MISSOURI LIMITED LIABILITY COMPANY, IS THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN ON THE ATTACHED DRAWING.

EASEMENTS OF THE TYPES AND WIDTHS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA, MISSOURI, FOR PUBLIC USE.

BEAR CREEK PROPERTIES, LLC

JOHN A. DUPUY - MEMBER

STATE OF MISSOURI )  
COUNTY OF BOONE ) ss

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, APPEARED JOHN A. DUPUY, MEMBER OF BEAR CREEK PROPERTIES A MISSOURI LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND ACKNOWLEDGED THAT HE DID THE SAME AS THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES - \_\_\_\_\_

03080503.GCD

MARCH 11, 2013

REVISED 04/07/2013 PER CITY COMMENTS



**Description of Easement for Utility purposes:**

A tract of land located in the south half of the Northeast Quarter of Section 7, Township 48 North, Range 12 West in Columbia, Boone County, Missouri, said tract being a part of Lot 2 of Landmark Subdivision Plat 1 as shown by plat recorded in Plat Book 42, Page 31, and also a part of the tract described by a Trustee's Deed recorded in Book 3843, Page 151, all of the Boone County Records. Said tract is further described as follows:

Starting at the Northwest corner of Lot 2 of said Landmark Subdivision Plat 1;  
thence along the north line of Lot 2, N 89°29'20"E, 4175.15 feet; thence leaving said north line, S 00°14'10"W, 10.00 feet to the point of beginning of this description; thence S 89°24'50"E, 6.99 feet; thence S 16°00'00"E, 205.43 feet; thence S 74°00'00"W, 16.00 feet; thence N 16°00'00"W, 210.00 feet; thence N 89°29'20"E, 9.65 feet to the point of beginning and containing 3324 square feet or 0.076 acres.

