Introduce	ed by		_
First Reading		Second Reading	
Ordinance No		Council Bill No	<u>B 86-13</u>
	AN ORDII	NANCE	
subdivision; acc easements; auth	epting the dec orizing a perfori	awthorne, Plat No. 10 lication of rights-of- mance contract; and secome effective.	way and
BE IT ORDAINED BY THE C FOLLOWS:	COUNCIL OF T	HE CITY OF COLU	MBIA, MISSOURI, AS
SECTION 1. The City One No. 10, dated February 11, 2 Hawthorne Drive, south of Sac Boone County, Missouri, and sign the plat evidencing such a	2013, a major s Idle Bag Court, o hereby authoriz	ubdivision located o containing 7.6 acres i	n the east side of Old in the City of Columbia,
SECTION 2. The City C easements as dedicated upon	•	ccepts the dedication	of all rights-of-way and
SECTION 3. The City contract with Old Hawthorne De Plat of Old Hawthorne, Plat substantially as set forth in "Exset forth herein verbatim.	evelopment, LL0 No. 10. The f	C in connection with to come and content of	he approval of the Final the contract shall be
SECTION 4. This ordin passage.	nance shall be	in full force and eff	fect from and after its
PASSED this	day of		_, 2013.
ATTEST:			
City Clerk		Mayor and Presidi	ng 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 OLD HAWTH	ORNE DEV	ELOPMENT, 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. 10, 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 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 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 obligation s 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:			
ATROVED AS TO FORM.			
City Counselor			

Subdivider

RV:



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date:

Apr 1, 2013

**Re:** Old Hawthorne, Plat No. 10 final plat request (Case #13-33)

#### **EXECUTIVE SUMMARY:**

A request by Crockett Engineering, on behalf of Old Hawthorne Development, LLC, for approval of a 15-lot final plat to be known as "Old Hawthorne, Plat No. 10." The 7.6-acre property is located east of Old Hawthorne Drive East, south of Plat No. 6. (Case #13-33)

#### **DISCUSSION:**

The subject site consists of approximately 7.6 acres, is zoned R-1, and is currently undeveloped. The plat is part of the phasing for the overall Old Hawthorne development. All lots substantially comply with the preliminary plat, and comply with applicable standards, such as those for the R-1 zoning district. The plat has been reviewed by pertinent City departments and other agencies, and complies with the Subdivision Ordinance.

A sewer easement is being dedicated along with the plat. The easement spans the majority of the south side of the proposed plat, and 12 feet of the easement width lies outside of this plat, and a separate grant of easement document has been filed with Public Works.

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

#### **FISCAL IMPACT:**

None.

#### **VISION IMPACT:**

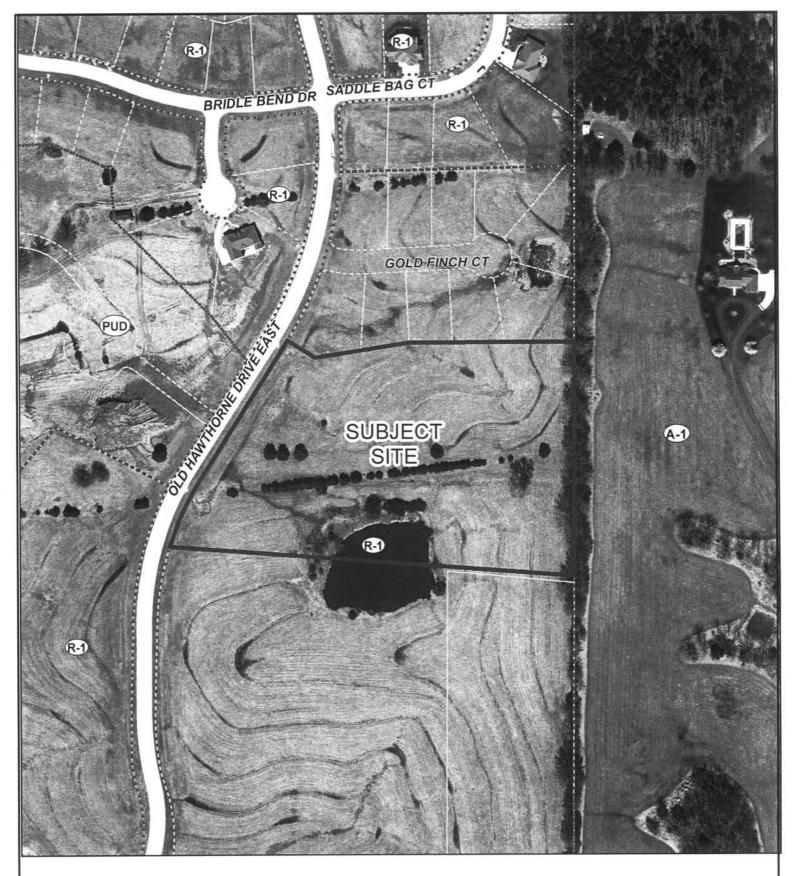
http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

### **SUGGESTED COUNCIL ACTIONS:**

Staff recommends approval of the final plat.

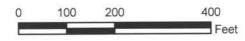
FISCAL and VISION NOTES:								
City Fiscal Impact Enter all that apply		Program Imp	act	Mandates				
City's current net FY.cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No			
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation 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	ar net costs:	Resources Required		Vision Impact?	No			
One Time	\$0.00	Requires add'I 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			





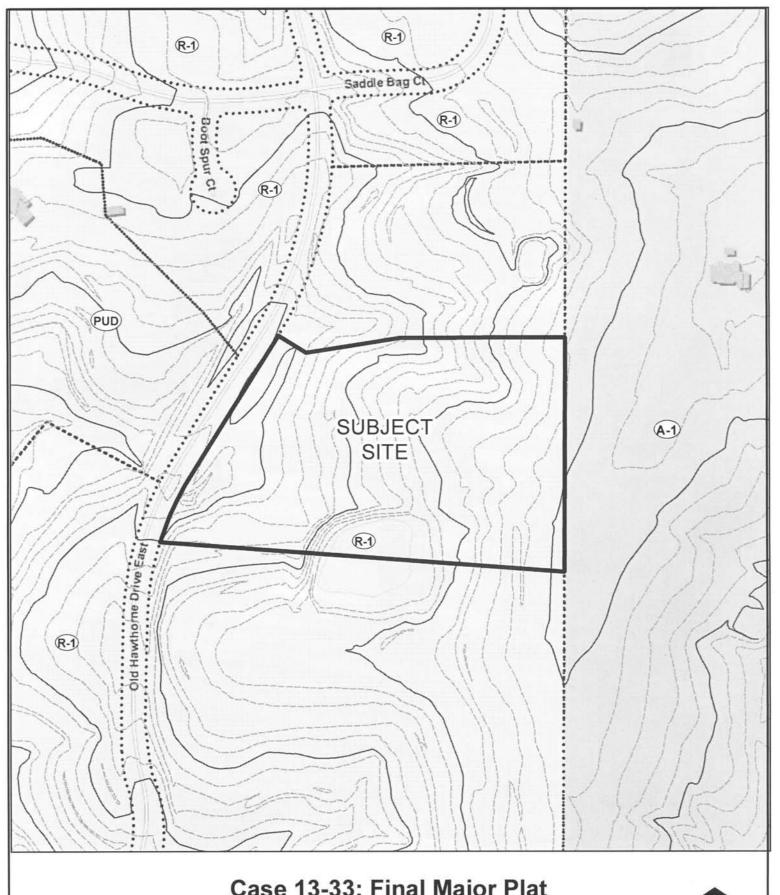
2011 Orthophoto Souce: Boone County Assessor

# Case 13-33: Final Major Plat Old Hawthorne, Plat 10



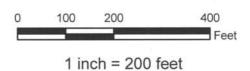
1 inch = 200 feet







## Case 13-33: Final Major Plat Old Hawthorne, Plat 10





DESCRIPTION FOR SANITARY SEWER EASEMENT TO DEDICATE OLD HAWTHORNE PLAT 10 OLD HAWTHORNE DEVELOPMENT, LLC. JOB #991083

**FEBRUARY 20, 2013** 

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE SURVEY RECORDED IN BOOK 2591, PAGE 24 AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2872, PAGE 78 OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 606 OF OLD HAWTHORNE PLAT NO. 6 AS RECORDED IN PLAT BOOK 45 AT PAGE 35 OF SAID COUNTY RECORDS; THENCE ALONG THE QUARTER SECTION LINE OF SAID SECTION 23, S 0°38'40"W, 483.89 FEET; THENCE LEAVING SAID QUARTER SECTION LINE, N 85°03'15"W, 95.78 FEET; THENCE S 4°56'25"W, 12.00 FEET TO THE POINT OF BEGINNING:

SAID STRIP BEING 12 FEET WIDE AND LYING RIGHT OF AND ADJACENT TO THE FOLLOWING DESCRIBED LINE, N 85°03'35"E, 664.42 FEET; THENCE N 36°52'40"W, 16.17 FEET TO THE END OF THIS DESCRIBED LINE.

DAVID T. BUTCHER, PLS-2002014095

2/20/20/3

