

Title of Document: Estoppel Certificate

Date of Document: \_\_\_\_\_, 2021

Grantor: City of Columbia, Missouri

Grantee: Michael M. Menser Properties, LLC

Grantee's Mailing Address: 1201 East Broadway, Columbia, MO 65201

Legal Description: Lot 1A and Lot 1B of the plat of Gordon's Subdivision, Plat No. 2 as shown by the plat thereof recorded in Plat Book \_\_\_\_ at Page \_\_\_\_ of the Records of Boone County, Missouri

Reference Book and Page(s): the plat of Gordon's Subdivision, Plat No. 2 as shown by the plat thereof recorded in Plat Book \_\_\_\_ at Page \_\_\_\_ of the Records of Boone County, Missouri

## ESTOPPEL CERTIFICATE

To: Michael M. Menser Properties, LLC, a Missouri limited liability company  
1021 East Broadway  
Columbia, MO 65201

From: City of Columbia, Missouri

This Estoppel Certificate is being delivered by the City of Columbia, Missouri ("City") to Michael M. Menser Properties, LLC, a Missouri limited liability company ("Company"). City acknowledges and affirms that Company, and its members, managers, officers, assigns, and successors-in-title to the Property, defined below, are relying and may rely upon the affirmations and agreements made in this Estoppel Certificate.

Company owns certain real estate within the City commonly known as 1009 East Broadway, Columbia, Missouri 65201 and 1021 East Broadway, Columbia, Missouri 65201 and legally described as follows, to wit:

Lot 1A and Lot 1B of the plat of Gordon's Subdivision, Plat No. 2 as shown by the plat thereof recorded in Plat Book \_\_\_ at Page \_\_\_ of the Records of Boone County, Missouri

(hereinafter referred to as the "Property").

City conditioned its approval of the plat of Gordon's Subdivision, Plat No. 2 as shown by the plat thereof recorded in Plat Book \_\_\_ at Page \_\_\_ of the Records of Boone County, Missouri (the "Plat") on the dedication of an additional 2.5-foot wide alley right of way within and on the northern boundary of Lot 1A and Lot 1B as shown on the Plat (hereinafter referred to as the "Alley ROW") as required by the City's Code of Ordinances.

Upon approval of the Plat, a portion of the existing building located on Lot 1B of the Plat (the "Buchroeder Building") is within the Alley ROW, making the Buchroeder Building a nonconforming structure under the City's Code of Ordinances. City represents and agrees that a nonconforming structure may continue in use as set forth in Section 29-6.5(b) of the City's Code of Ordinances without being in violation of the City Code due solely to the existence of the nonconformity. If the Buchroeder Building is torn down, demolished, declared a nuisance, condemned, or otherwise damaged, either voluntarily or as a result of some casualty, to the extent that the damage or repair to the structure exceeds seventy-five (75) percent of its reasonable value, excluding foundations, City may require the entire structure to be demolished and any new structure erected in its place on Lot 1B of the Plat to be constructed without encroachment into the Alley ROW. Any expansion or alteration of the Buchroeder Building shall not increase the encroachment into the Alley ROW and shall conform to the building setback and all other dimensional standards applicable to new construction on the site.

Nothing herein shall prevent the City from taking any other action as may be set forth in the City's Code of Ordinances or as may otherwise exist at law.

IN WITNESS WHEREOF, the City executes the Estoppel Certificate herein as of the date signed below.

**CITY OF COLUMBIA, MISSOURI**

  
By: \_\_\_\_\_

John Glascock, City Manager

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Nancy Thompson, City Counselor