

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 141-24

AN ORDINANCE

approving the Preliminary Plat of “Richland Estates No. 2” located on the west side of Olivet Road and south of Richland Road; authorizing a development agreement with Richland Olivet Farm, L.L.C.; directing the City Clerk to record the development agreement; and fixing the time when this ordinance shall become effective.

WHEREAS, on June 20, 2023 the City Council approved Ordinance No. 025357 (B117-23) approving the Preliminary Plat of “Richland Estates” containing 103.73+/- acres on property owned by Richland Olivet Farm, LLC, and Charlotte M. Frazier and Melissa L. Ussery; and

WHEREAS, at the time the Preliminary Plat of “Richland Estates” was approved, Richland Olivet Farm, LLC owned approximately 76.63+/- acres of the property which was the subject of the plat with the remaining 27.09+/- acres owned by Charlotte M. Frazier and Melissa L. Ussery; and

WHEREAS, at the time of filing the application for approval of the Preliminary Plat of “Richland Estates No. 2”, Richland Olivet Farm, LLC had acquired ownership of all of the property within the Preliminary Plat of “Richland Estates” zoned R-1 (One-family Dwelling) consisting of 97.02+/- acres and Charlotte M. Frazier and Melissa L. Ussery retained ownership of the 6.71 acres zoned District M-N (Mixed-use Neighborhood); and

WHEREAS, the 6.71 acres zoned District M-N owned by Charlotte M. Frazier and Melissa L. Ussery (shown as Lot 147 on Sheet 1 and as Lot 193 Sheet 2 of the Preliminary Plat of “Richland Estates”) is not contained within and is not a part of the Preliminary Plat of “Richland Estates No. 2” submitted for approval by Richland Olivet Farm, LLC; and

WHEREAS, in connection with the approval of the Preliminary Plat of “Richland Estates,” Richland Olivet Farm, LLC, and Charlotte M. Frazier and Melissa L. Ussery executed a development agreement establishing certain obligations related to the improvement of Richland Road as well as the dedication and construction of certain public infrastructure obligations which remains in full force and effect; and

WHEREAS, Richland Olivet Farm, LLC has submitted a request to voluntarily annex and establish permanent District R-1 zoning on an additional 29.68+/- acres adjacent to the property contained within the Preliminary Plat of “Richland Estates”; and

WHEREAS, in connection with the annexation of the additional 29.68+/- acres, Richland Olivet Farm, LLC has submitted a revised preliminary plat for approval by the City Council which includes the 97.02+/- acres of District R-1 property owned by Richland Olivet Farm, LLC contained within the Preliminary Plat of "Richland Estates" together with the newly annexed 29.68 acres of District R-1 property, to be known as the Preliminary Plat of "Richland Estates No. 2"; and

WHEREAS, following approval of the Preliminary Plat of "Richland Estates No. 2" the Preliminary Plat of "Richland Estates" will remain applicable to the 6.91 acres shown as Lot 147 on Sheet 1 and as Lot 193 Sheet 2 of the Preliminary Plat of "Richland Estates"; and

WHEREAS, due to the additional 29.68+/- acres and a reconfiguration of lots the Preliminary Plat of "Richland Estates No. 2" has increased the number of R-1 lots by adding an additional 92 lots to the development; and

WHEREAS, to the extent the development agreement executed in connection with the Preliminary Plat of "Richland Estates" has not been expressly rescinded or replaced by the terms of the development agreement approved in connection with the Preliminary Plat of "Richland Estates No. 2", such development agreement shall remain in full force and effect; and

WHEREAS, it is the intent that with the approval of the development agreement for "Richland Estates No. 2" that the development agreement the City Council approved on June 20, 2023, by Ordinance No. 025357, as amended, will remain in full force and effect for the entirety of the 103.73+/- acres of property contained within the Preliminary Plat of "Richland Estates" and that the obligations contained within the development agreement approved by this ordinance will be supplemental to and in addition to the obligations approved by Ordinance No. 025357; and

WHEREAS, it is also the intent that with the approval of the Preliminary Plat of "Richland Estates No. 2" that the preliminary plat approved by the City Council on June 20, 2023 for "Richland Estates" will remain in full force and effect for any property that is not included within the boundary of the Preliminary Plat of "Richland Estates No. 2."

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Preliminary Plat of "Richland Estates No. 2," as certified and signed by the surveyor on May 7, 2024, a subdivision located on the west side of Olivet Road and south of Richland Road, containing approximately 126.70 acres, and hereby confers upon the subdivider the following rights for a period of five (5) years from and after the date of this approval:

- (A) The terms and conditions under which the preliminary plat was given approval shall not be changed except as required by subsection (C);
- (B) The subdivider may submit on or before the expiration date a final plat for the whole or any part of the subdivision for approval;
- (C) Each final plat for land included in the preliminary plat application shall comply with any new technical or engineering standards or requirements adopted by Council between the date of the preliminary plat approval and the date of each final plat application for land included in the preliminary plat;
- (D) If the subdivider fails to submit a combined total of one-fourth (1/4) of the preliminarily approved lots (in either a single or multiple) final plats before the expiration date, the preliminary plat approval shall expire and be of no force or effect; and
- (E) The Director of Community Development may grant a one (1) year extension to the expiration date if no change to a City ordinance would require a change in the plat. An appeal from an adverse decision by the Director on preliminary plat extension shall be made to the Council. Any subsequent extension(s) on preliminary plat expiration date shall be made to Council for a specified period on such terms and conditions as the Council may approve.

SECTION 2. Prior to approval of the Final Plat of this Subdivision, the subdivider shall have completed the improvements required by the Unified Development Code, or in lieu of completion of the work and installations referred to, present security to the City Council with surety and conditions satisfactory and acceptable to the City Council, providing for and securing the actual construction and installation of the improvements and utilities within a period of seven years; or put the City Council in an assured position to do the work, obligating the developer to install the improvements indicated on the plat, provided that no occupancy permit will be issued to any person for occupancy of any structure on any street that is not completed in front of the property involved, or the utilities have not been installed to the satisfaction of the City.

SECTION 3. The City Manager is hereby authorized to execute a development agreement with Richland Olivet Farm, L.L.C. to establish public infrastructure obligations, which are in addition to and supplemental to the public infrastructure obligations contained in the development agreement related to the Preliminary Plat of "Richland Estates," as amended. The form and content of the development agreement for "Richland Estates No. 2" shall be substantially as set forth in "Attachment A" attached hereto.

SECTION 4. The City Clerk is authorized and directed to have the development agreement recorded in the office of the Boone County Recorder of Deeds.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2024.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor