

NONDEVELOPED SUBDIVISION DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into by and between the City of Kirksville, Missouri, a municipal corporation referred to herein as the "City" and _____, referred to herein as "Owners" this ____ day of _____, 2018.

WHEREAS, Owners are the record owners of Lots 1 through 6, Block 2 of the Jones Addition to the City of Kirksville.

WHEREAS, the plat of the Jones Addition to the City of Kirksville was approved on _____.

WHEREAS, Section 22-7 of the Code of the City of Kirksville requires that platted subdivisions be developed within seven years of the final plat approval.

WHEREAS, no development has occurred on Lots 1 through 6 of Block 2 of the Jones Subdivision.

WHEREAS, the city has notified Owners of the City's intent to review the plat in accordance with Section 22-7 of the Code of Ordinances of the City of Kirksville.

WHEREAS, the parties desire to enter into a satisfactory agreement for the development of the undeveloped portions of Jones subdivision in accordance with Ordinance of the City of Kirksville.

NOW THEREFORE, in consideration of the following, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Owners in accordance with the Code of the City of Kirksville will file with the city a revised preliminary plat, and the subsequent final plat, prepared by a licensed professional engineer or architect, a professional land planner or a surveyor in the State of Missouri on or before _____. If a plat is filed and approved, the parties agree that the city will extend the deadline for installation of infrastructure for a period of 7 years. Owners acknowledge that if a plat is not filed on or before _____ or infrastructure is not installed within the time allowed, the plat is subject to partial repeal.

2. At a minimum, revisions to the plat of the Jones Addition of the Kirksville, Adair County, Missouri will result in the creation of a new preliminary and final plat, which will indicate the location and attributes of additional necessary infrastructure to

service lots 1 - 6, Block 2 of the Jones Addition, along with required content outlined in Chapter 22 - Subdivision Regulations of the Kirksville City Code.

3. In accordance with the Code of Ordinance, the preliminary plat will be submitted to the Planning and Zoning Commission for their review and approval or denial. If approved, the final plat will be submitted by Owners to the Planning and Zoning Commission at a later meeting. It is anticipated that the commission will then submit the final plat with a recommendation to the City Council regarding approval or denial.

4. Upon approval of the plat by the Kirksville City Council, the city agrees that building permits may be issued. However, the parties acknowledge that neither temporary nor final occupancy permits will be issued until all the required utilities and infrastructure are completed and accepted by the City of Kirksville.

5. The parties agree that before development may take place on Lot 1 and/or 2 of Block 2 of the Jones Addition of Kirksville, Adair County, Missouri, said lots must have access from an improved portion of Davis Street. The parties agree that this can be accomplished through one of three methods:

- a. Davis Street Extension - If Lots 1 and 2 of Block 2 of the Jones Addition of Kirksville, Adair County, Missouri are individually or jointly developed, Davis Street must be extended to provide public street frontage to said lots. This street extension must meet current standards set forth in the Kirksville City Code for new construction.
- b. Combination of Lots 1, 2, and 3 - Lot 3 has public street frontage along an improved portion of Davis Street. Lots 1 and 2 can be combine with lot 3 making one large lot. The combination of these lots would provide public street frontage to the newly formed, larger lot.
- c. Lot Combination and Travel Easement - When a new plat is drawn up, a travel easement may be identified on the plat. This easement may extend between the Davis Street right-of-way and the Alley of block 2 of the Jones Addition between lots 2 and 3. Lot 1 and 2 may then be combine with ingress and egress to the newly combined lot being provided through said travel easement.

6. The parties acknowledge that the plat will provide that the Developer of Lots 1 - 6 of Block 2 of the Jones Addition of Kirksville, Adair County, Missouri will be required to install the following infrastructure to serve said lots as per Code of Ordinances Section 25-31, 33, 43 & 116 and the following:

- a. Water – A six (6) inch water main will need to be installed at the cost of the owner/ developer of the land. This main shall be located in existing right-of-ways or new easements. This main shall extend from either existing main located within the Florence Street right-of-way or the Halliburton Street right-of-way. A fire hydrant shall be installed at Davis Street as required by the City Engineer and Fire Chief, unless the newly installed main is not looped into an existing main and the main comes to a dead end, then the fire hydrant shall be located at the end of the main. Water main extension shall be designed by professional engineer and requires construction permit approval by MDNR.
- b. Sanitary Sewer – An eight (8) inch sanitary sewer main will need to be installed at the cost of the owner/ developer of the land. This main shall be located in existing right-of-ways or new easements. This main shall extend from an existing main. Sewer main extension under 1000 ft. must be designed by a professional engineer. MDNR construction permit is not required.
- c. Storm Sewer – Storm water runoff from developed lots shall be directed to open ditches located within the right-of-way along the east side of Davis Street and drain to the existing waterways established by the natural land topography. Driveway drainage culverts shall be used to bridge over the ditch between Davis Street and the improved development. The minimum culvert size shall be fifteen (15) inches in diameter. The dimensions of the ditch shall meet standards set forth by the City Engineer.
- d. Davis Street Extension – If Lots 1 and 2 of Block 2 of the Jones Addition of Kirksville, Adair County, Missouri are individually or jointly developed, Davis Street must be extended to provide street frontage to said lots. The street extension shall be designed by professional engineer and must meet current pavement base, thickness and width criteria for engineering standards set forth in the Kirksville City Code for new construction.
- e. No Parking Signs remain in place on all unimproved sections of the street.

7. The parties acknowledge that the terms of this agreement are subject to approval by the Kirksville City Council and the further requirements of the Code of Ordinances of the City of Kirksville and in particular the provisions for the approval of subdivision plats, building and other uniform codes governing the construction and maintenance of property, and zoning regulations.

8. The City acknowledges that development of lots 7-12 of Block 2 of the Jones Addition may be developed without the above required improvements to the water, sewer, and street infrastructure. These lots will be required to meet City building requirements for building codes, zoning codes, and stormwater management.

IN WITNESS WHEREOF, the parties have executed this Agreement the date first above written.

City of Kirksville

Owners

By _____

Mayor

print name: _____

Clerk

print name: _____