

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 312-06

AN ORDINANCE

declaring the need to acquire property located at 411 North Fifth Street for park purposes; authorizing acquisition by negotiation or, if necessary, by condemnation; authorizing the City Manager to obtain and execute all instruments necessary for acquisition of such land; and fixing the time when this ordinance shall become effective.

WHEREAS, the Constitution and Statutes of the State of Missouri and the Home Rule Charter for the City of Columbia, Missouri, authorize the City Council to exercise the power of eminent domain, within or without the City, and among other things, to acquire, and maintain any property, real or personal within or without the City for all public uses or purposes, and to acquire, receive and hold any estate or interest in any such property; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that certain private property be acquired by negotiation or by condemnation for public improvement.

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

SECTION 1. The City Council hereby declares the need to acquire in fee simple the following described land for park purposes:

The North Half (N ½) (North Half by Deed) of the South Half (S ½) of Lot Number Three (3) EXCEPT the West 124 feet thereof, in COOK'S ADDITION to the Town, now City, of Columbia, Missouri;

ALSO, The East 140 feet of the South 33 feet of Lot Number Three (3) in COOK'S ADDITION to the Town, now City, of Columbia, Boone County, Missouri.

SECTION 2. The City Manager is authorized to acquire the land described in Section 1 by negotiation.

SECTION 3. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the land described in Section 1.

SECTION 4. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 1, on the proper compensation to be paid for such land, or if the owner is incapable of contracting, is unknown, or cannot be found, or is a non-resident of the State of Missouri, the City Counselor is authorized to petition the Circuit Court of Boone County, Missouri, to acquire the land described in Section 1 by condemnation.

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

PASSED this _____ day of _____, 2006.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

TO: City Council

FROM: City Manager and Staff

DATE: July 28, 2006

RE: Proposed Land Acquisition Adjacent to Douglass Park

Mike Hood

MH



Summary: The Department of Parks and Recreation is requesting approval to purchase a single lot located at 411 N. Fifth Street. This lot is adjacent to Douglass Park, just east of the baseball field (see attachment). The *Parks, Recreation and Open Space Master Plan, 2002 Facility Needs Update*, identifies these lots as potential park land provided they become available for purchase. Commerce Bank has told staff that they will foreclose on the lot, but has indicated a willingness to sell the property to the City for \$8,000 in lieu of foreclosure costs. The City has a \$14,844.63 rehabilitation lien against the property and may be willing to forgive the loan if the property is purchased, cleaned-up and dedicated as part of Douglass Park. The City of Columbia's fiscal year 2006 budget includes an appropriation of \$200,000 for Neighborhood Parks Acquisition. Funding for this program comes from the Park Sales Tax.

Fiscal Impact

YES X

NO

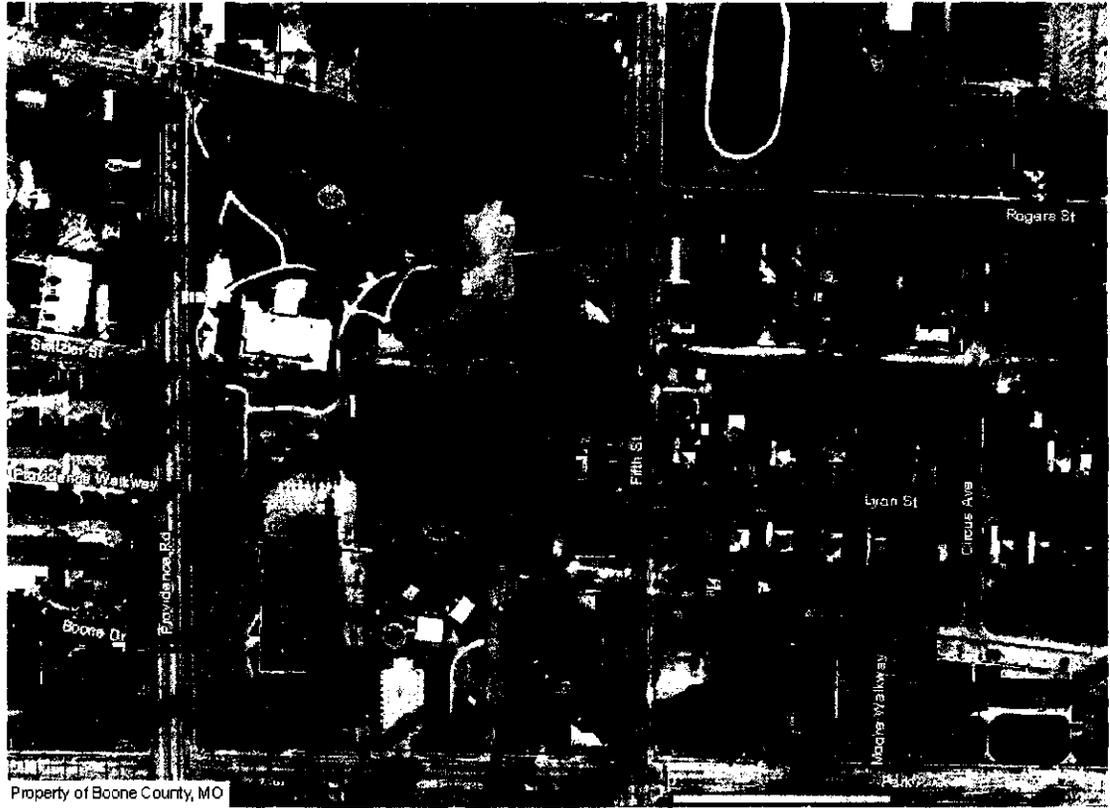
Other Info.

Description: The lot is owned by an individual that no longer resides in Columbia. The house contains approximately 1500 square feet in two stories of living space. No one lives at the residence and it is now being lived in by squatters. Major vandalism has occurred throughout the house and a severe roof leak is present at the rear of the house. The City has a \$14,844.63 rehabilitation lien against the property. A potential buyer has asked the City to forgive its \$14,844.63 lien in exchange for not applying to the demolition program, and in turn, would guarantee the demolition would be completed. This buyer has plans to build a duplex on the lot. The City's Loan and Grant Committee did not act on the potential buyer's request and wanted additional information to determine if the house could be rehabbed or if there were other considerations. According to a deficiency list prepared by planning staff, the house would cost in excess of \$40,000 to repair, exceeding the defined limit of \$25 per square foot, therefore, staff considers the house to be beyond repair.

Commerce Bank will be foreclosing on this property within weeks. Legal staff has communicated with Commerce Bank Mortgage in Kansas City to determine acquisition options. The bank suggests that we approach the owner for a deed in lieu of foreclosure and then negotiate with the bank to get their deed of trust released. The bank is willing to accept \$8,000 in lieu of having to go through foreclosure proceedings.

Funding for this purchase would come out of the 2006 Park Sales Tax, Park Acquisition account. Should this proceed and after the City takes ownership, park staff will begin demolition of the building and improve the grounds.

Recommended Council Action: If the Council concurs that the acquisition of the described park land is appropriate, than it is requested that Council pass an ordinance authorizing the land acquisition to proceed.



411 N. Fifth Street - Douglass Park