

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 312-08

AN ORDINANCE

declaring the need to acquire land 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 trails, parks, and recreation purposes:

Anderson Laveta Revocable Trust #2
Parcel #16-104-08-00-011.00 01
TR 3&5 SUR 7602-A
TR 3 Sur 7602 PT NE ¼ & PT
NW ¼

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 _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

TO: City Council
FROM: City Manager and Staff
DATE: September 26, 2008 
RE: Property Acquisition—Laveta Anderson Property,
 Parcel# 16-104-08-00-011.00 01

Mike Hood


Summary: The Department of Parks and Recreation is requesting authorization to proceed with acquisition of a 27.5 acre tract of land to be used for the future construction of the Perche Creek Trail. The land, located west of Strawn Road (Route ZZ) and just south of Interstate 70, is adjacent to the 101.87 acre Old Perche Creek Wastewater Plant. The willing seller is Ralph and Laveta Anderson and the anticipated selling price is \$185,500. This accepted price represents a mid-point between each party's appraised value. Funding for this program comes from the dedicated Greenbelt/Trails 2005 Park Sales Tax.

Fiscal Impact

YES x

NO

Project Description: The request for authorization to purchase the Anderson property is based on the identified need for the future route of the Perche Creek Trail. This need was determined by the *Parks, Recreation and Open Space Master Plan, 2002 Facility Needs Update*, which evaluated future greenbelt and trail acquisition and development projects.

Other Info.
 C40113

On the attached map, park planners have identified a possible route of the future Perche Creek Trail. This route demonstrates the value in acquiring the Anderson property.

Park staff was initially contacted about this property in 2002 and staff contracted with Moore and Shryock for an appraisal of the property. This first appraisal, dated September 15, 2002, valued the land at \$108,000 or \$4,000 per acre. This price was not acceptable to the Anderson family. In 2005, the Department asked Moore and Shryock for an update to the appraisal and this appraisal, dated December 22, 2005, valued the land at \$143,000 or about \$5,300 per acre. Again, this price was not accepted and a third appraisal was conducted by Stephen H. Wiley at the Anderson's expense. Wiley's appraisal dated 9/26/07 indicated a value of \$220,000 or approximately \$8,100 per acre. Note: These per acre costs are based on 27 acres.

Park staff and the Anderson family continued negotiations and eventually reached a compromise based on the following considerations:

- a. The City's 2005 appraisal of \$143,000 was adjusted for annual inflation and arrived at a 2007 value of \$151,000.
- b. The Anderson's 2007 appraisal is \$220,000.
- c. The \$185,500 offer is the mid-point between \$151,000 and \$220,000.

In a letter delivered to Mike Hood and Mike Griggs on September 24, 2008, Mrs. Anderson agreed to the selling price of \$185,500 with the following considerations:

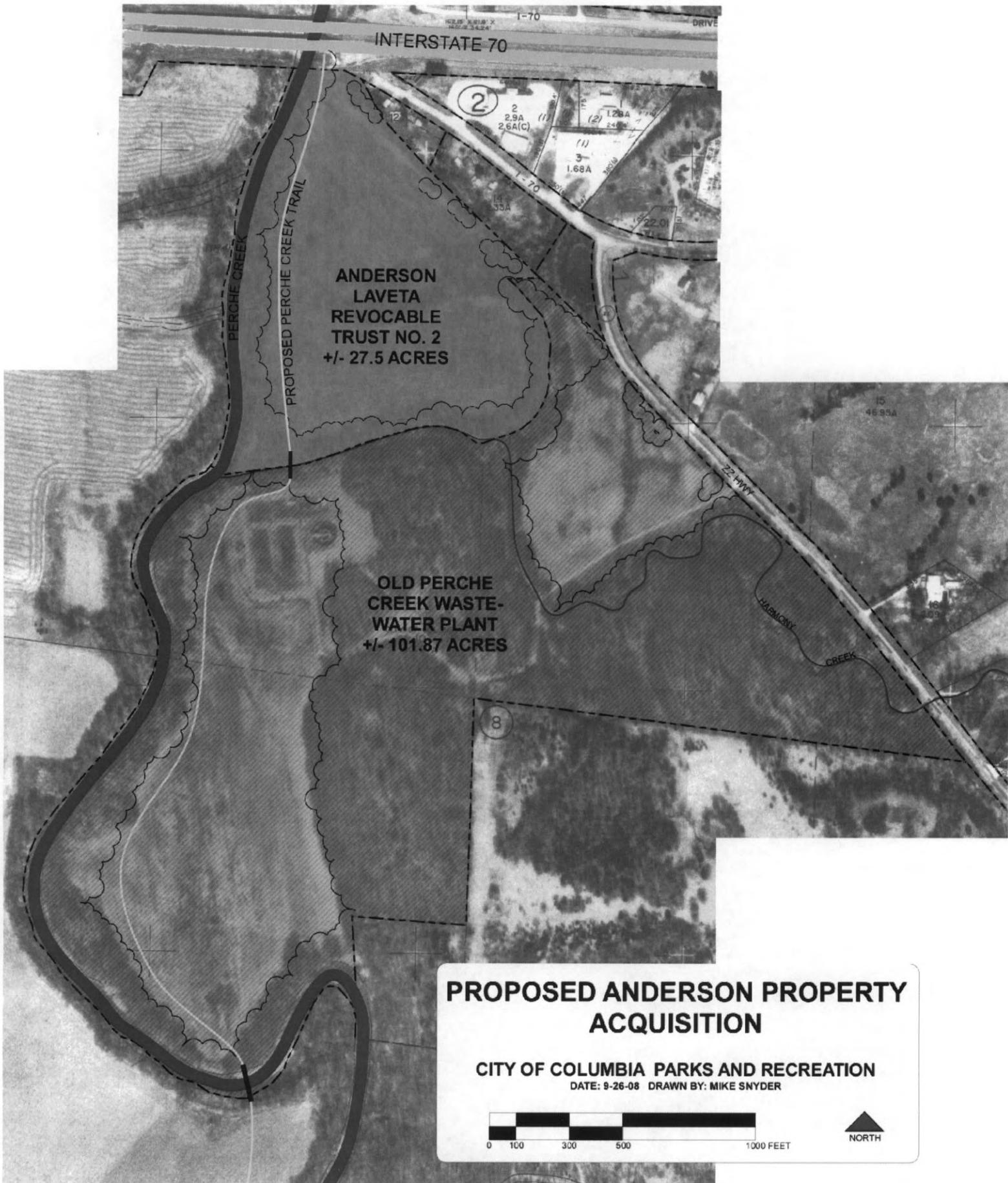
- a. Acknowledgment of a partial gift from the Anderson family by naming the tract or placing a sign at the property that recognizes the donation.
- b. Receipt of acknowledgement of a partial gift.
- c. Use of the land for recreational and educational purposes into perpetuity.

In addition to hosting the future Perche Creek Trail, the 27.5 acre Anderson tract is adjacent to the City owned 101.87 acre Perche Creek Wastewater Treatment Plant property. Public Works no longer utilizes the property for a treatment facility and most of the structures have been removed. The land is currently being used as one of the approved City sites for deer archery hunting. Park staff is currently negotiating with Public Works on the possible acquisition of this property for future recreational opportunities. Pending successful negotiations, staff anticipates that a future acquisition ordinance will be presented to Council that will transfer this land from the Public Works Department to the Parks & Recreation Department.

Together, these two properties would provide the necessary land needed to enable Parks and Recreation to continue with its goal of providing public access to quality trails and neighborhood park development in high growth residential areas. Existing neighborhoods within the half-mile service area include the Bellwood development to the south and an aggressive mixed-use development along the north and side sides of West Worley.

Funding for this purchase comes from the dedicated Greenbelt/Trails 2005 Park Sales Tax.

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



**ANDERSON
LAVETA
REVOCABLE
TRUST NO. 2
+/- 27.5 ACRES**

**OLD PERCHE
CREEK WASTE-
WATER PLANT
+/- 101.87 ACRES**

PROPOSED ANDERSON PROPERTY ACQUISITION

CITY OF COLUMBIA PARKS AND RECREATION

DATE: 9-26-08 DRAWN BY: MIKE SNYDER

