

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 169-11

**AN ORDINANCE**

authorizing the City Manager to execute an agreement with the Columbia Public School District to allow for the grading of a portion of the Clary-Shy Park located at Ash Street and Clinkscals Road for storm water management purposes; authorizing the City Manager to execute a drainage easement; and fixing the time when this ordinance shall become effective.

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

SECTION 1. The City Manager is hereby authorized to execute an agreement with the Columbia Public School District to allow for the grading of a portion of the Clary-Shy Park located at Ash Street and Clinkscals Road for storm water management purposes. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. The City Manager is hereby authorized to execute an easement for drainage purposes. The form and content of the easement shall be substantially as set forth in "Exhibit B" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

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City Counselor

**AGREEMENT**

This agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, between the City of Columbia, Missouri ("City") and the Columbia Public School District ("School District").

WHEREAS, School District owns property at 1818 West Worley Street in Columbia, Missouri ("the School Property"); and

WHEREAS, City owns property at Ash Street and Clinkscales Road ("the City Property"), which is adjacent to the School Property; and

WHEREAS, School District wishes to expand its administrative offices on School Property; and

WHEREAS, School District is required to provide for proper storm water management as part of its development; and

WHEREAS, School District has requested the City's permission to grade a portion of the City's Property in connection with School District's storm water management plan and City is willing to grant this permission subject to the requirements of this agreement.

NOW, THEREFORE, the parties agree as follows:

1. City shall allow School District to clear the existing fence line and grade a portion of the City Property as shown on School District's site plan for the School Property dated May 19, 2011. The grading work on the City Property shall result in a slope no steeper than 5:1. The slope must be constructed so that it can be mowed by City. School District shall seed the disturbed area with a mixture of grass seed approved by City's director of Parks and Recreation. School District shall mulch, fertilize, water and maintain the grass until it is established to the satisfaction of City's director of Parks and Recreation.
2. City shall grant School District a drainage easement to allow School District to construct and maintain a detention basin. School District shall be responsible for all future maintenance of the detention basin and any drainage structures in this easement.
3. If a channel has eroded within the drainage easement within five (5) years after an occupancy permit has been granted for the administrative offices, School District shall provide corrective measures, subject to the approval of the City's director of Parks and Recreation. Corrective measures could include grading and providing a reinforced channel, stilling basins and grade control structures.

4. School District shall remove all silt fencing and other signs of construction after work on the City Property has been completed and stabilized. The City Property shall be left in a clean condition.
5. Through a permit process, the City of Columbia and Farmers Market may use the parking lot at the School District's expanded administrative offices for parking on weekends.

IN WITNESS WHEREOF, the parties have executed this agreement on the date and year first above written.

CITY OF COLUMBIA, MISSOURI

By: \_\_\_\_\_  
Mike Matthes, City Manager

ATTEST:

\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Fred Boeckmann, City Counselor

COLUMBIA PUBLIC SCHOOL DISTRICT

By: \_\_\_\_\_  
Dr. Chris Belcher, Superintendent

ATTEST:

\_\_\_\_\_  
Dr. Nick Boren, Deputy Superintendent

COLUMBIA PUBLIC  
SCHOOLS  
ADMINISTRATION  
BUILDING PARKING  
LOT

400 METER, 12' WIDE  
GRANULAR TRACK

LONG JUMP

FOOTBALL FIELD

POLE VAULT

WEST JUNIOR  
HIGH SCHOOL

ARC PARKING LOT COMMONLY  
USED FOR FARMERS MARKET



SCALE: 1" = 80'

### EXHIBIT 1

WEST JUNIOR HIGH SCHOOL  
TRACK AND FOOTBALL FIELD RENOVATIONS  
COLUMBIA, MISSOURI  
MAY 19, 2011

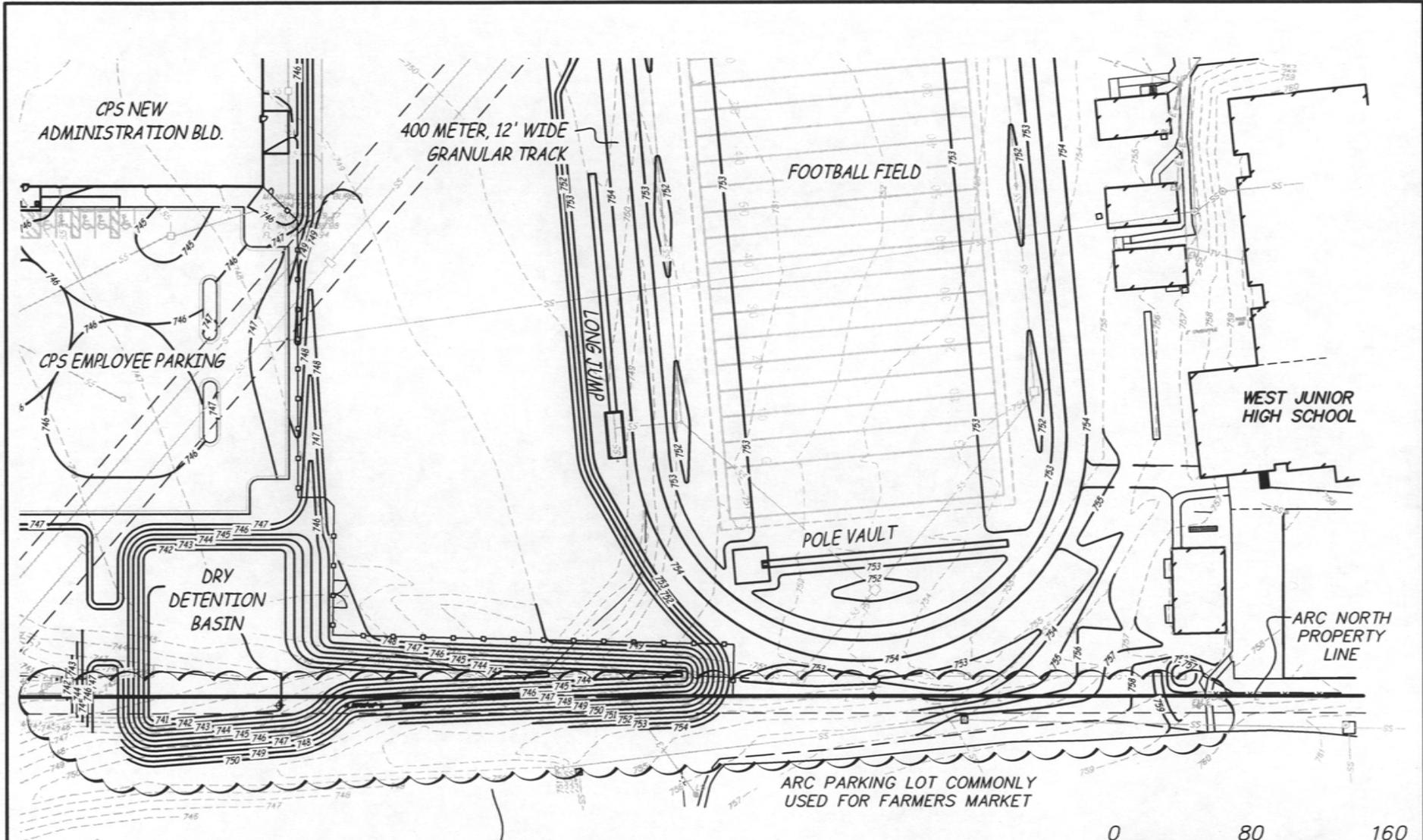


**Engineering Surveys & Services**

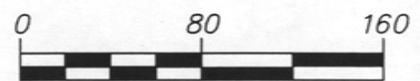
1113 Fay Street  
Columbia, Missouri  
573 - 449 - 2646

Missouri Engineering Corporation # 2004005018

JOB 11665



CONSTRUCTION ON ARC PROPERTY



SCALE: 1" = 80'

### EXHIBIT 2

WEST JUNIOR HIGH SCHOOL  
 TRACK AND FOOTBALL FIELD RENOVATIONS  
 COLUMBIA, MISSOURI  
 MAY 19, 2011



### Engineering Surveys & Services

1113 Fay Street  
 Columbia, Missouri  
 573 - 449 - 2646

Missouri Engineering Corporation # 2004005018

**GRANT OF EASEMENT FOR DRAINAGE PURPOSES**

THIS INDENTURE, made on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Columbia, Missouri, a municipal corporation in the County of Boone and the State of Missouri, Grantor; Grantor's mailing address is Post Office Box 6015, Columbia, MO 65205-6015 and the Columbia Public School District, a political subdivision of the State of Missouri, Grantee.

WITNESSETH:

Grantor in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable considerations paid by the Grantee, the receipt of which is hereby acknowledged does hereby grant unto Grantee, its successors and assigns, the privilege, authority and right to construct, operate, replace, repair and maintain a drainage course or storm sewer, along with such other rights as are necessary and incidental thereto, under, across and upon the following described real estate, owned by Grantor, situated in the County of Boone, State of Missouri, to-wit:

A tract of land located in the southeast quarter of Section 10 T48N R13W, in Columbia, Boone County, Missouri, being part of Lot 2 Columbia Recreation Center, recorded in Plat Book 35, Page 3, further described as follows:

Starting at the northwest corner of Lot 2 Columbia Recreation Center, thence, S 83°58'40"E, along the northerly line thereof, 140.00 feet to the point of beginning.

From the point of beginning, thence continuing along the northerly line of Lot 2 Columbia Recreation Center, S 83°58'40"E 415.00 feet; thence, leaving said line, S 6°01'20"W 22.00 feet; thence S 89°59'30"W 266.48 feet; thence N 83°58'40"W 150.00 feet; thence N 6°01'20"E 50.00 feet to the beginning.

This grant includes the right of the Grantee, its officers, agents and employees, to cross Grantor's abutting land at any time for the purpose of exercising any of the rights herein granted.

The Grantor warrants, that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above-described property, and has the right and authority to make and execute and it will defend this Grant of Easement.



**Source:**  
**Mike Hood** 

**FISCAL and VISION NOTES:**

Agenda Item No. \_\_\_\_\_

**TO: City Council**  
**FROM: City Manager and Staff**   
**DATE: June 10, 2011**  
**RE: Agreement with Columbia Public School District: Clary-Shy Park Storm Water**

<b>City Fiscal Impact</b> Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)
<b>Vision Implementation Impact</b> Enter Below All That Applies: Refer to Website:	
N	Vision Impact? (Y/N or if N, go no further)
Item #	Primary Vision, Strategy and/or Goal Item#
Item #	Secondary Vision, Strategy and/or Goal Item#
Task #	FY10/FY11 Implementation Task#

**EXECUTIVE SUMMARY:** The Columbia Public School District has requested permission of the City to grade a portion of the City's Clary-Shy Park to help provide for proper storm water management for the school planned expansion of their administration building on Worley Street. In addition, it has been requested that the City grant the School a drainage easement to construct and maintain a concentrated discharge of storm water onto the City's property and into a storm water detention basin. The project will include the removal of woody brush, honeysuckle and the fence line that separates the school site and the Clary-Shy Park. Approval of this ordinance will authorize the City Manager to sign an agreement (copy attached) with the Columbia Public School District approving these requests and outlining the conditions under which such actions can be taken.

**DISCUSSION:** The Columbia Public School District is proposing to expand their administrative offices located at 1818 West Worley Street. As part of the site planning for the proposed development, the School is required to provide for proper storm water management. To provide for such management, the School has requested permission to grade a portion of the City's property as shown on the school's site plan for the school property (copy attached). The City has also agreed to provide a drainage easement for the discharge of storm water onto park property.

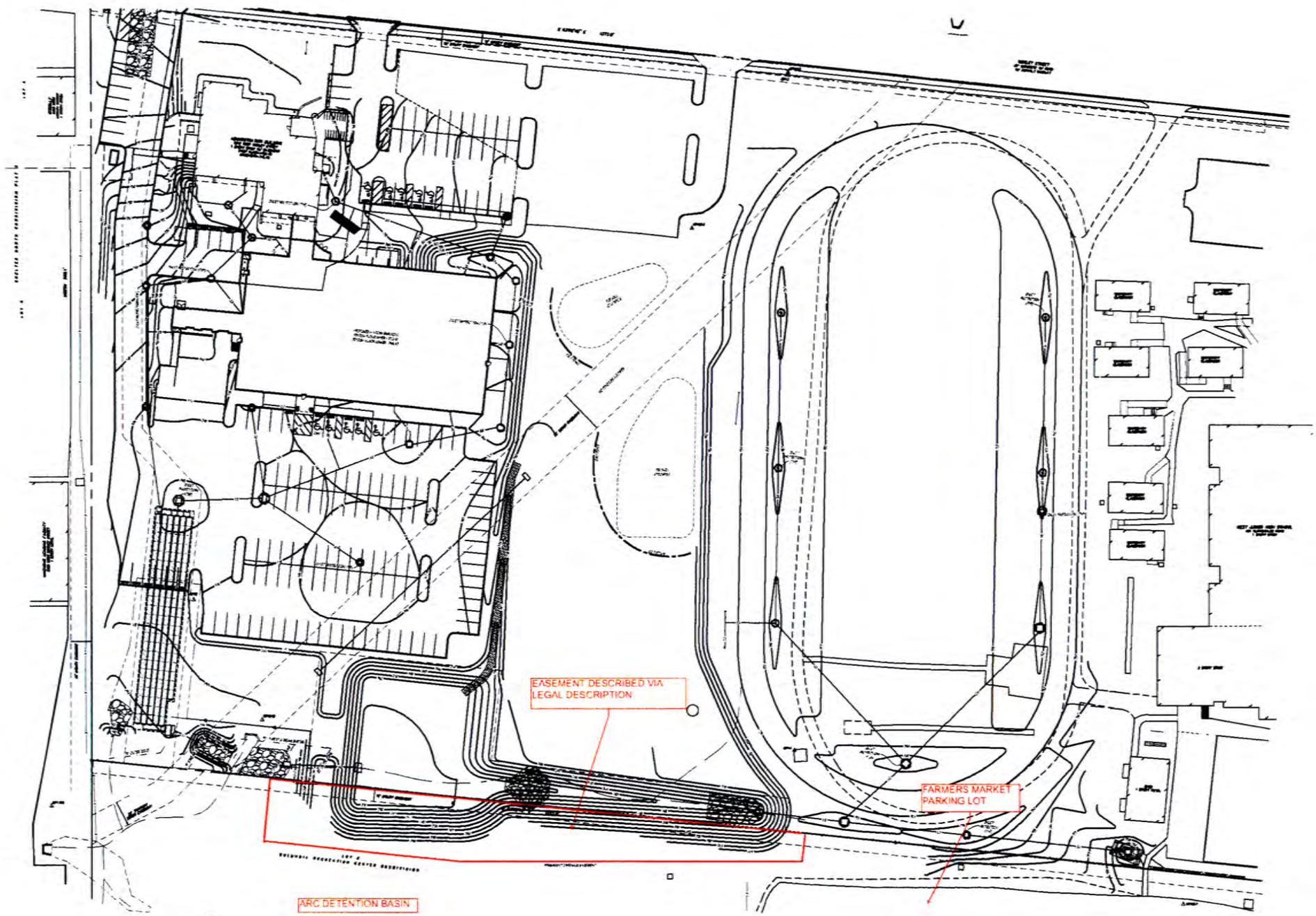
The proposed agreement includes the following conditions:

1. School may clear the existing fence line and shall be responsible for seeding all disturbed areas and shall mulch, fertilize, water, and maintain the area until a grass cover is established.
2. School shall be responsible for all future maintenance of any drainage structures located within the drainage easement. Park staff shall mow the area as part of the on-going maintenance of the Clary-Shy Park but the maintenance of the storm water structure will be the District's responsibility.
3. If a channel erodes within the drainage easement within five years, the School shall be required to provide corrective measures. Such measures could include grading, provision of a reinforced channel, stilling basins, and/or grade control structures.
4. Through a permit process, the City of Columbia/Farmer's Market may utilize the new parking lot at the Columbia Public School's Administration parking lot for parking.

**FISCAL IMPACT:** Approval of this agreement should have no fiscal impact on City operations.

**VISION IMPACT:** This agreement has no vision impact.

**SUGGESTED COUNCIL ACTIONS:** Approve the ordinance authorizing the City Manager to sign the proposed agreement with the Columbia Public School District.



ARC DETENTION BASIN

EASEMENT DESCRIBED VIA LEGAL DESCRIPTION

FARMERS MARKET PARKING LOT

LOT 2  
SHELTER NORTH PROVISIONAL PLAN

LOT 2  
BREWERY RECREATION CENTER PROVISIONAL