

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 142-12

AN ORDINANCE

authorizing a contract for sale of real estate with the Gudrun D. Parmentier Revocable Living Trust for the acquisition of property located adjacent to Clyde Wilson Park; appropriating funds; 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 a contract for sale of real estate with the Gudrun D. Parmentier Revocable Living Trust for the acquisition of property located adjacent to Clyde Wilson Park. 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 sum of \$28,780.00 is hereby appropriated from the Permanent Park Improvement Account No. 753-8500-480.53-53 to the 2010 PST Land Acquisition Account No. 440-8800-548.49-90 C00486.

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

PASSED this _____ day of _____, 2012.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Permanent Park Improvement Account No. 753-8500-480.53-53 to cover the above appropriation.

Director of Finance

CONTRACT FOR SALE OF REAL ESTATE

This agreement is dated this _____ day of _____, 2012, by and between the City of Columbia, Missouri, a municipal corporation (hereinafter referred to as "City") and Gudrun D. Parmentier, Trustee of the Gudrun D. Parmentier Revocable Living Trust u/t/a dated July 21, 1997 (hereinafter referred to as "Seller").

WITNESSETH:

1. City agrees to buy and Seller agrees to sell the following described real property located at 507 Taylor Street in Columbia, Boone County, Missouri more particularly described as follows:

A part of Lot Forty-seven (47) and Fifty-six (56) of Ingleside Addition to the City of Columbia, being a part of Tract One (1) of survey Shown at Book 279, Page 80, of the records of Boone County, Missouri, and more particularly described as follows:

Beginning at an iron which is the Northwest corner of Tract No. 1, Book 279, page 80, Boone County Records and using assumed bearings as noted therein, go thence South 100.0 feet to an iron and the point of beginning, go thence South 30 degrees 18 minutes, West 100.0 feet, thence go South 86 degrees 14 minutes East, 118.0 feet, thence go North 21 degrees 31 minutes, East, 100.0 feet, thence go West 103.7 feet to an iron and the point of beginning. Irons were set as shown on the above plat.

ALSO A part of Lots 47 and 56 of Ingleside Addition to the City of Columbia, Boone County, Missouri, described as follows: Beginning at the northeast corner of said Lot 47, said beginning point being the northwest corner of Taylor Street and University Avenue; thence with the south line of University Avenue west (bearing assumed) 130.2 feet to an iron; thence south 100 feet to an iron; thence South 30° 18' West 159.8 feet to a sewer manhole at a corner of a survey recorded in Book 259, page 379, of the Boone County, Missouri records; thence with said survey and following the sewer line South 10° 14' West 198.9 feet; thence South 17° 27' East 122.6 feet to an iron; thence leaving the westerly line of said survey, South 87° 05' East 179.7 feet to an iron on the west line of Taylor Street at a point on a direct line parallel to and 17 feet south of the north line of Lot 54 in said Ingleside Addition; thence with the westerly line of Taylor Street northerly 571 feet, more or less, to the beginning, and being Tract One (1) of survey recorded in Book 279, page 80, records of Boone County, Missouri.

EXCEPT that part conveyed to Lyman M. Cleek and Beverly C. Cleek, husband and wife and recorded in Record Book 313, Page 388 of the Records of Boone County, Missouri AND EXCEPT that part conveyed to Clifford J. Parmentier and Gudrun D. Parmentier, husband and wife, and recorded in Record Book 323, Page 473 of the Records of Boone County, Missouri.

ALSO A part of the north half of Tract One which is located in part of lots 47 and 56 of Ingleside Addition to the City of Columbia, more particularly described as Tract B of a survey recorded at Book 400, Page 886 of the Boone County Records.

on the following terms and conditions set out herein.

2. The purchase price for the property shall be Eighty-five Thousand Dollars (\$85,000.00) payable to Seller at closing.
3. Merchantable title of record and in fact shall be conveyed by Seller's trustee's special warranty deed, free and clear of all encumbrances, except as hereinafter provided.
4. City shall obtain a commitment to title insurance issued by a title insurance company acceptable to Seller. The commitment must obligate the title insurance company to issue a title insurance policy to the City at closing which insures that Seller's title is free and clear of encumbrances. The amount of the title insurance shall be the purchase price. The premium shall be paid by City at closing. The title insurance commitment must describe any exceptions to the policy, which will be issued immediately at closing.
5. In order to establish whether any environmental contamination or hazard exists on any portion of the property, City may obtain, at City's expense, a Phase I Environmental Survey from a reputable environmental engineering firm as soon as reasonably possible after execution of this agreement. The environmental study shall reflect the presence or absence of any hazardous waste, biological or environmental hazard or unsafe condition within the meaning of federal or state environmental protection laws. If the survey reflects the possible existence of hazardous waste or any environmental hazard on the property, the closing date shall be delayed for a reasonable period of time (not to exceed one hundred twenty days). Within this period of time, City, at its expense, shall arrange for additional environmental tests and studies to establish to City's satisfaction that there is no environmental contamination of the soil or groundwater on the property which would impose any liability under any federal or state law for remediation of the condition by the City if City acquires the property. If such tests reveal or recognize environmental condition or contamination on the property that requires remediation under federal or state law, City shall so notify Seller. Within

ten (10) days of receipt of such notice, Seller must notify City whether or not Seller will remediate the contamination. If Seller fails to notify City within the ten (10) days, Seller shall conclusively be presumed to have decided not to remediate the contamination. If Seller decides not to remediate the contamination, City shall have the option of either purchasing the property or declaring this agreement void.

6. This transaction shall be closed on or before _____, or at such other time when the parties may agree at the office of the City Counselor, City of Columbia, Second Floor of the City Hall Building, 701 East Broadway, Columbia, MO 65201, at which time title to the property shall be delivered to City and all monies and papers shall be delivered and transferred. City shall pay all closing costs.
7. Real estate taxes for the year 2012 shall be prorated and Seller shall remit their portion of said taxes to City at closing.
8. This agreement shall be binding upon and inure to the benefit of the heirs, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereto have been duly authorized to execute this contract as of the day and year first above written.

CITY:

CITY OF COLUMBIA, MISSOURI

By: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

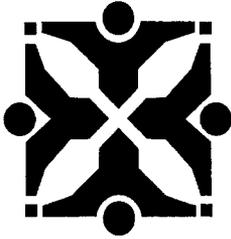
STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this _____ day of _____, 2012, before me appeared Mike Matthes, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Columbia, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of the City and that this instrument was signed and sealed on behalf of the City by authority of its City Council and the City Manager acknowledged this instrument to be the free act and deed of the City.

IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

Notary Public

My commission expires: _____.



Source: Parks and Recreation *MAH*

Agenda Item No:

To: City Council
From: City Manager and Staff *WJ*

Council Meeting Date: June 4, 2012

Re: Acquisition of Land Adjacent to Clyde Wilson Memorial Park

EXECUTIVE SUMMARY:

The Park and Recreation Department is requesting approval to proceed with the acquisition of approximately 1.3 acres of land located adjacent to the northeast boundary of Clyde Wilson Memorial Park. Staff has prepared an ordinance authorizing the City Manager to execute the attached Contract for Sale of Real Estate with the current property owner, the Gudrun D. Parmentier Revocable Living Trust. The proposed purchase price is \$85,000. Neighbors of Wilson Park and the East Campus Neighborhood Association have donated a total of \$28,780 towards the purchase of the property. The balance of funding needed (\$56,220) for this acquisition has been set aside from the 2010 Park Sales Tax land acquisition funds.

DISCUSSION:

The possibility of the City acquiring approximately 1.3 acres adjacent to Clyde Wilson Memorial Park was initially brought to the attention of the Park and Recreation Department by neighbors of the park in the early summer of 2010. Those neighbors expressed concern about the possible future development of the 1.3 acres and indicated a desire to see the property preserved as public open space as part of the existing Wilson Park. Based on those discussions, the neighborhood committed to raising a portion of the funds needed to acquire the property. Initial fund raising efforts resulted in a donation to the City in the amount of \$23,780. Following extended negotiations between the property owner and the City, the East Campus Neighborhood Association committed an additional \$5,000 towards the project resulting in a total donation of \$28,780.

The 1.3 acre site is located adjacent to a portion of the northeast boundary of the park just south of the south terminus of Taylor Road (see attached map). The majority of the site has a steep topography with the entire acreage being covered with a medium density oak-hickory forest. The addition of the property to the park would provide the potential for the development of an additional park access for those individuals living north and northeast of the park.

As part of the initial property negotiations, City staff had an appraisal prepared to assist in determining the value of the property. The City's appraisal, completed by Allan Moore, MAI, of Moore and Shyrock, LLC valued the property at \$80,000. After extended negotiations between the property owner and the City, both parties have agreed to a purchase price of \$85,000. Staff is recommending that the City Council approve the Contract for Sale for the 1.3 acres at the agreed upon price of \$85,000.

FISCAL IMPACT:

The proposed purchase price for this property is \$85,000. Neighbors of the park and the East Campus Neighborhood Association have combined to donate \$ 28,780 towards the purchase of the property. The remaining funds needed to complete the purchase (\$56,220) will be from monies set aside in the 2010 park sales tax ballot for land acquisition. Site will be maintained as part of the natural area of the park and as such should have only limited, if any, impact on the Department's maintenance and operation budget.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

The acquisition of this property helps address vision goal 12.1 which identifies the need for the City to acquire and develop a variety of attractive, well maintained parks throughout Columbia, including neighborhood parks, regional parks, nature parks, and urban parks to ensure all residents have access to a full range of outdoor and indoor recreational opportunities.

The proposed acquisition also addresses vision goal 5.2 which identifies the need to preserve land throughout Columbia and Boone County in order to protect farmland, scenic views, natural topographies rural

atmosphere, watersheds, healthy streams, natural areas, native species, and unique environmentally sensitive areas, resulting in an enhanced quality of life.

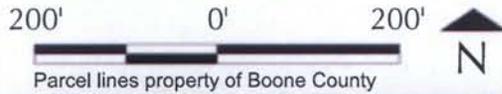
SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the City Manager to sign the Contract for Sale of Real Estate and execute all other documents necessary to complete the acquisition.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$85,000.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$56,220.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$28,780.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$85,000.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	5.2
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

Clyde Wilson Memorial Park

601 Rockhill Road



Clyde Wilson Park Facilities

9.2 ACRES
PICNIC SITES
TRAIL - 0.66 MILE; GRAVEL AND DIRT;
WALKING, HIKING, NATURE TRAIL

