

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

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

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

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

Council Bill No. B 265-07

**AN ORDINANCE**

authorizing the City Manager to execute an agreement with Steve Herigon Construction, Inc. for the donation and sale of land in the Vanderveen Crossing Subdivision for the extension of the Bear Creek Trail from the Garth Nature Area to Providence Road; 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 Steve Herigon Construction, Inc. for the donation and sale of land in the Vanderveen Crossing Subdivision for the extension of the Bear Creek Trail from the Garth Nature Area to Providence Road. The form and content of the agreement 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. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**AGREEMENT FOR DONATION AND SALE OF LAND**

This agreement is entered into on this 28th day of August, 2007 by and between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Steve Herigon Construction, Inc., a Missouri corporation (hereinafter "Developer").

WHEREAS, City is developing an interconnected recreational trail system to which Developer wants to connect its residential development known as Vanderveen Crossing; and

WHEREAS, Developer is willing to donate certain tracts in order to facilitate this connection; and

WHEREAS, City is willing to purchase certain land from Developer to further facilitate the interconnection.

NOW, THEREFORE, City and Developer agree as follows:

1. Developer agrees to donate Lots 942, 941 of Plat 14 and Lot 708 of Plat 13 Vanderveen Crossing, to City to be used for interconnection of City's trail system to Developer's development.
2. Developer agrees to sell to City and City agrees to purchase from Developer Lot 850 of Vanderveen Crossing, Plat 14.
3. Developer agrees to donate a tract of land located in the north half of Section 36, Township 49 North, Range 13 West, in Columbia, Boone County, Missouri, being a portion of the tract split survey recorded in Book 1522 at Page 132 of said county records and being further described as follows:

Beginning at the westerly most corner of Lot 700 of Vanderveen Crossing, Plat 13 as recorded in Plat Book 37 at Page 94 of said county records; thence with the boundary of said Plat N40°14'40"W, 279.48 feet to a point on the boundary of Vanderveen Crossing, Plat 14 as recorded in Plat Book 39 at Page 15 of said county records; thence leaving the boundary of said Plat 13 and with the boundary of said Plat 14, N6°41'40"E, 309.39 feet to a point on the boundary of Vanderveen Crossing, Plat 11 as recorded in Plat Book 37 at Page 37 of said county records; thence leaving the boundary of said Plat 14 and with the boundary of said Plat 11, S83°18'20"E, 211.77 feet; thence N25°44'40"E, 76.39 feet; thence S61°20'00"E, 290.11 feet; thence S80°17'50"E, 235.58 feet to a point of the boundary of Vanderveen Crossing, Plat 7a as recorded in Plat Book 39 at Page 117 of said county records; thence leaving the boundary of said Plat 11 and with the boundary of said Plat 7a, S14°11'55"E, 121.65 feet to a point on the boundary of Vanderveen Crossing, Plat 7 as recorded in Plat Book 36 at

page 27 of said county records; thence leaving the boundary of said Plat 7a and with the boundary of said Plat 7, S75°48'20"W, 61.86 feet; thence S29°36'20"W, 201.33 feet to a point on the boundary of said Vanderveen Crossing, Plat 13; thence leaving the boundary of said Plat 7 and along boundary of said Plat 13, N29°32'50"W, 229.08 feet; thence S87°23'10"W, 205.27 feet; thence S27°20'10"W, 301.24 feet to the Point of Beginning and containing 5.10 acres.

4. The purchase price of Lot 850 of Vanderveen Crossing, Plat 14 shall be Forty-four Thousand Dollars (\$44,000.00) payable at closing.
5. Merchantable title of record and in fact shall be conveyed by Developer to City by warranty deed, free and clear of all encumbrances, except as hereinafter provided.
6. Developer shall obtain a commitment to title insurance for the properties issued by a title insurance company acceptable to City. The commitment must obligate the title insurance company to issue a title insurance policy to the City at closing which insures that Developer's title to be free and clear of encumbrances. The amount of the title insurance shall be the purchase price of Lot 850 of Vanderveen Crossing, Plat 14 and \$1,368,150.00 for the donated parcels. The title insurance company must describe any exceptions to the policy, which will be issued immediately at closing.
7. Real estate taxes for the year 2007 shall be prorated and Developer shall remit its portion of said taxes to City at closing.
8. This transaction shall be closed on the 28th day of August, 2007 or at such other time when the parties may agree at the office of the City Counselor, City of Columbia, Daniel Boone/City Hall Building, 701 East Broadway, 4<sup>th</sup> Floor, 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.
9. This agreement shall be binding upon and inure to the benefit of the heirs, administrators, successors and assigns of the parties.

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

CITY OF COLUMBIA, MISSOURI

BY: \_\_\_\_\_  
H. William Watkins, 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 \_\_\_\_\_, 2007, before me appeared H. William Watkins, 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.

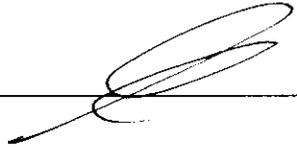
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_.

STEVE HERIGON CONSTRUCTION, INC.

BY:

  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_

STATE OF MISSOURI    )  
                                  ) ss  
COUNTY OF BOONE    )

On this 30<sup>th</sup> day of July, 2007, before me, a Notary Public in and for said state, personally appeared, Steve Herigon, who being by me duly sworn, acknowledged that he is the President of Steve Herigon Construction, Inc., a Missouri corporation, and that said instrument was signed in behalf of said corporation and further acknowledged that he executed the same as his free act and deed for the purposes herein stated and that he has been granted the authority by said corporation to execute the same.

IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal the day and year first above written.

  
\_\_\_\_\_

Notary Public

**JENNIFER TOOHEY**  
Notary Public - State of Missouri  
County of Boone  
My commission expires: **My Commission Expires May 10, 2008**

Source

Mike Hood

~~AAH~~

**TO:** City Council

**FROM:** City Manager and Staff 

**DATE:** July 30, 2007

**RE:** Bear Creek Trail Land Donation and Purchase

**Summary:** The Department of Parks and Recreation is requesting authorization to accept the donation of Lots 941, 942 of Plat 14, Lot 708 of Plat 13, and a 5.1 acre "land in limits" tract all located in the Vanderveen Crossing Subdivision (see attached map). The land being donated is currently owned by Steve Herigon Construction, Inc. The total acreage to be donated is estimated to be approximately 39.1 acres. Authorization is also requested to acquire by purchase Lot 850 of Plat 14 of the Vanderveen Sub-Division. Lot 850 will provided additional public access to the donated property. Estimated purchase price of Lot 850 is \$44,000. Park sales tax monies from the greenbelt/trails account will be used to fund the acquisition. Terms of the proposed donation and acquisition are outlined in the attached agreement with Steve Herigon Construction.

Fiscal Impact

YES x

NO

Other Info.

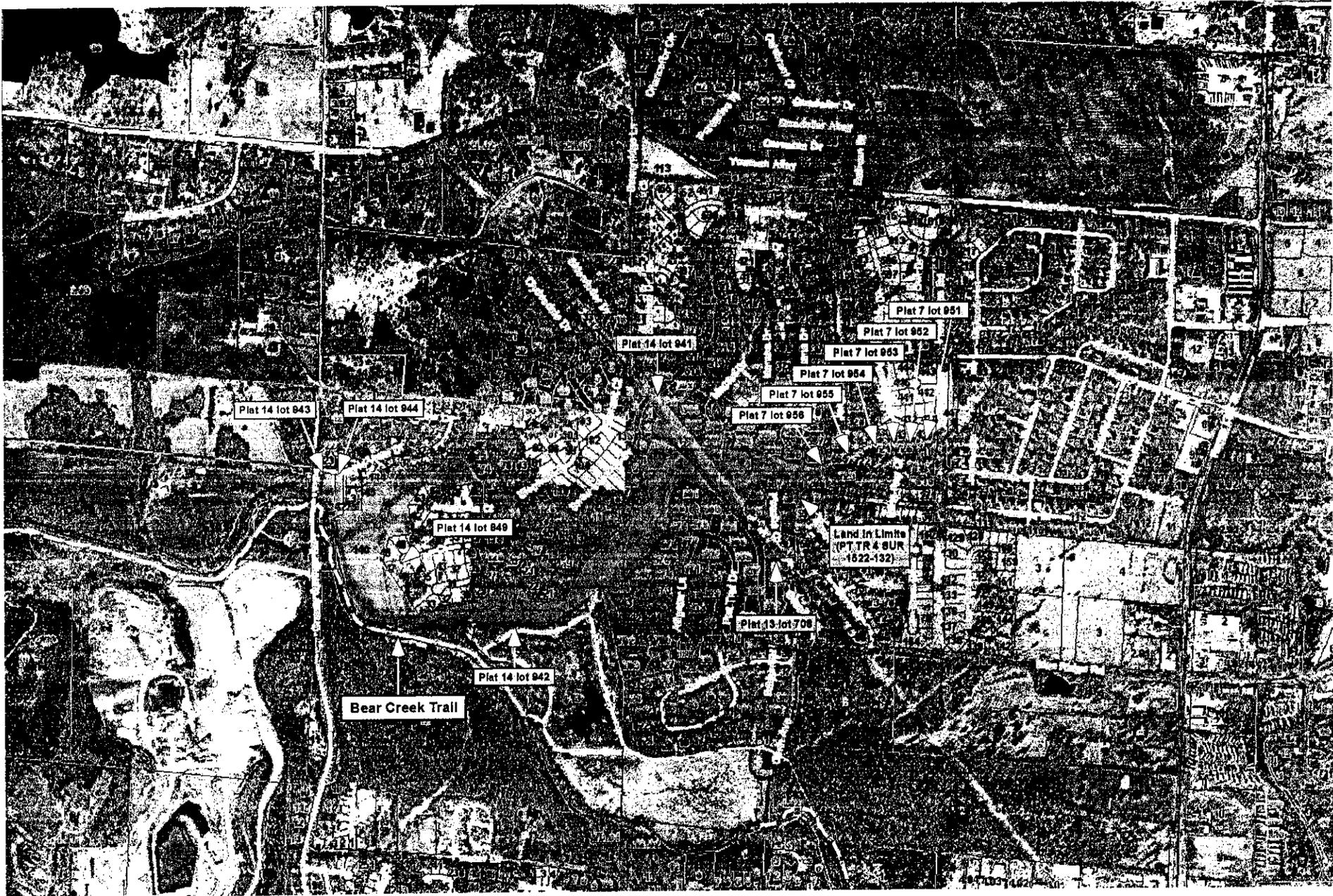
Project Number

**Discussion:** The acceptance of the donated land and the purchase of Lot 850 will provide the necessary land needed to extend the Bear Creek Trail from the Garth Nature Area thru the Vanderveen Crossing Subdivision and connect the trail with Providence Road. The land will improve greenspace preservation efforts along Bear Creek and will provide increased access opportunities to the proposed trail extension.

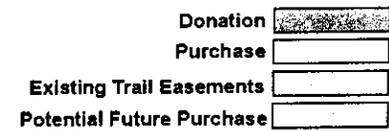
A portion of Lot 942 located near Creasy Springs Rd. can also be used to as an open athletic field practice site in the future and Lot 850 would allow for direct access to this area.

Staff is recommending the acceptance of the donation and the use of \$44,000 of Greenbelt funds to complete this land acquisition/donation.

**Suggested Council Action:** Approve the ordinance authorizing the purchase of Lot 850 Plat 14 and the acceptance of the donation of Lot 942, 941 of Plat 14, Lot 708 of Plat 13, and a 5.1 acre "land in limits" tract of the Vanderveen Crossing Subdivision.



**Vanderveen Crossing**  
**Lot donation and lot purchase for Trail Development**



# Boone County Parcel Information Viewer

Zoom to Location...

Zoom to Map Sheet...

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Search by Owner

Search by Parcel ID



**Tom Schauwecker**  
**Boone County**  
**Assessor**  
 (573) 886-4270

**Owner**  
**HERIGON STEVE**  
**CONSTRUCTION**  
**INC**

**Address**  
**4101 WHITE TIGER**  
**COLUMBIA, MO**  
**65202**

**School**  
**COLUMBIA (C1)**

**Legal**  
**Description**  
**VANDERVEEN**  
**CROSSING PLAT 14**  
**LOT 942**

**Deeded**  
**Acres**  
**31.36**

**Parcel**  
**11-903-00-01-**  
**140.00 01**

Owner Information current as of: 7/27/2007 10:32:13 AM CST

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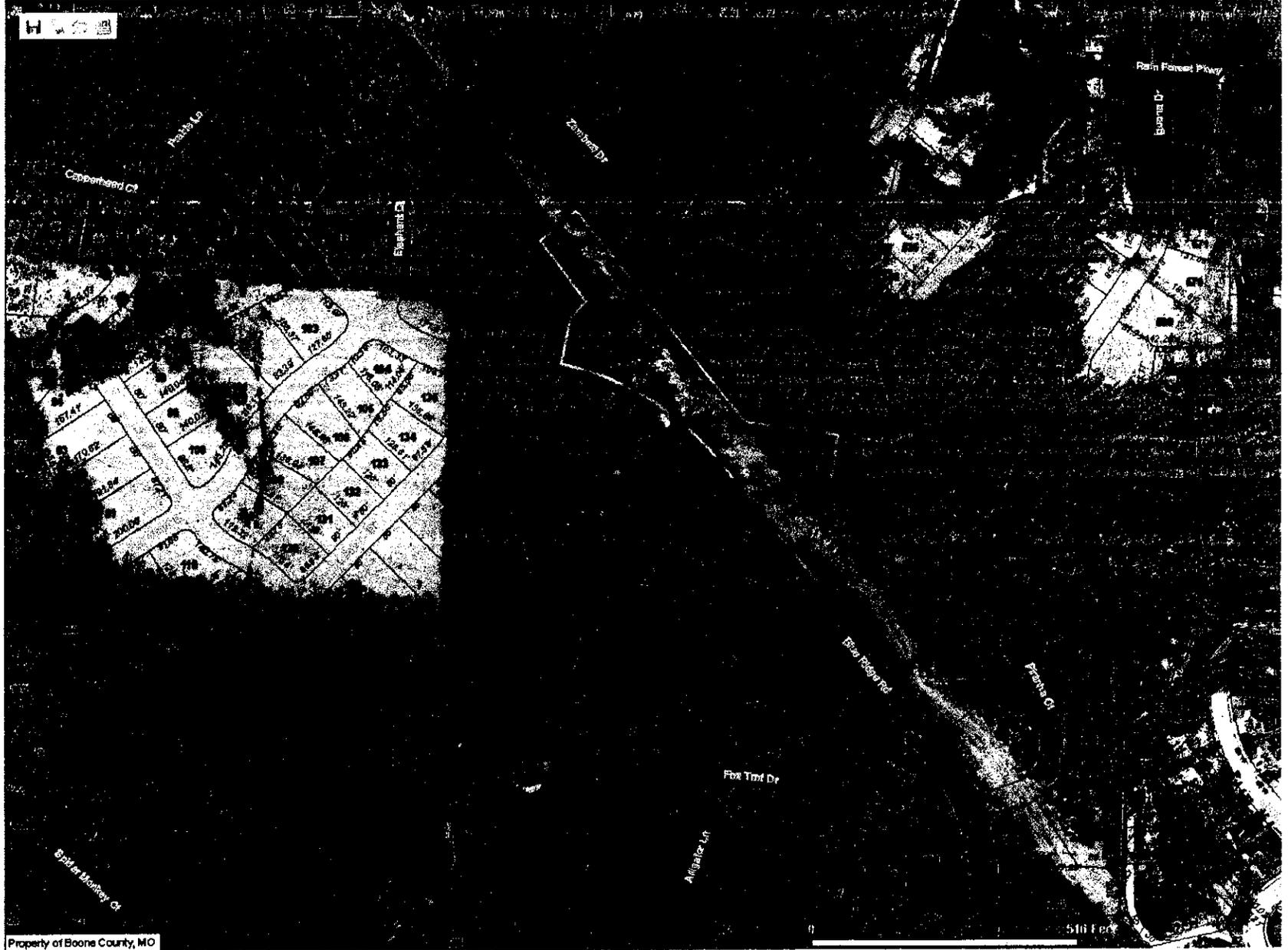
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Property Search Menu

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- Search by Parcel ID

 **Tom Schauwecker**  
 Boone County Assessor  
 (573) 886-4270  
 OWNER: HERIGON STEVE CONSTRUCTION INC  
 Address: 4101 WHITE TIGER  
 City: COLUMBIA, MO  
 State: MO Zip: 65202  
 School: COLUMBIA (C1)  
 Legal: VANDERVEEN  
 Description: CROSSING PLAT 14 LOT 941  
 Deeded Acreage: 2.73  
 Parcel: 11-903-00-01-139.00 01  
 Owner information current as of: 1/25/2007 3:33:05 PM CST

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 (Min) (Max)












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**Tom Schauwecker**  
Boone County  
Assessor  
(373) 886-4270

**owner** HERIGON STEVE  
CONSTRUCTION  
INC  
**address** 4101 WHITE TIGER  
COLUMBIA, MD  
65202  
**city, state Zip**  
**school** COLUMBIA (C1)  
**legal description** LAND IN LIMITS (PT  
TR 4 SUR  
1522-132)  
**parcel** 11-904-00-00-  
001.00 01  
  
Owner information current as of:  
11/25/2007 3:18:13 PM CST

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**Tom Schauwecker**  
Boone County  
Assessor  
(573) 886-4278

**Owner**  
HERIGON STEVE  
CONSTRUCTION  
INC

**Address**  
4101 WHITE TIGER

**City**  
COLUMBIA, MD

**State Zip**  
65202-

**School**  
COLUMBIA (C1)

**Legal**  
VANDERVEEN

**Description**  
CROSSING PLAT 13  
LOT 708

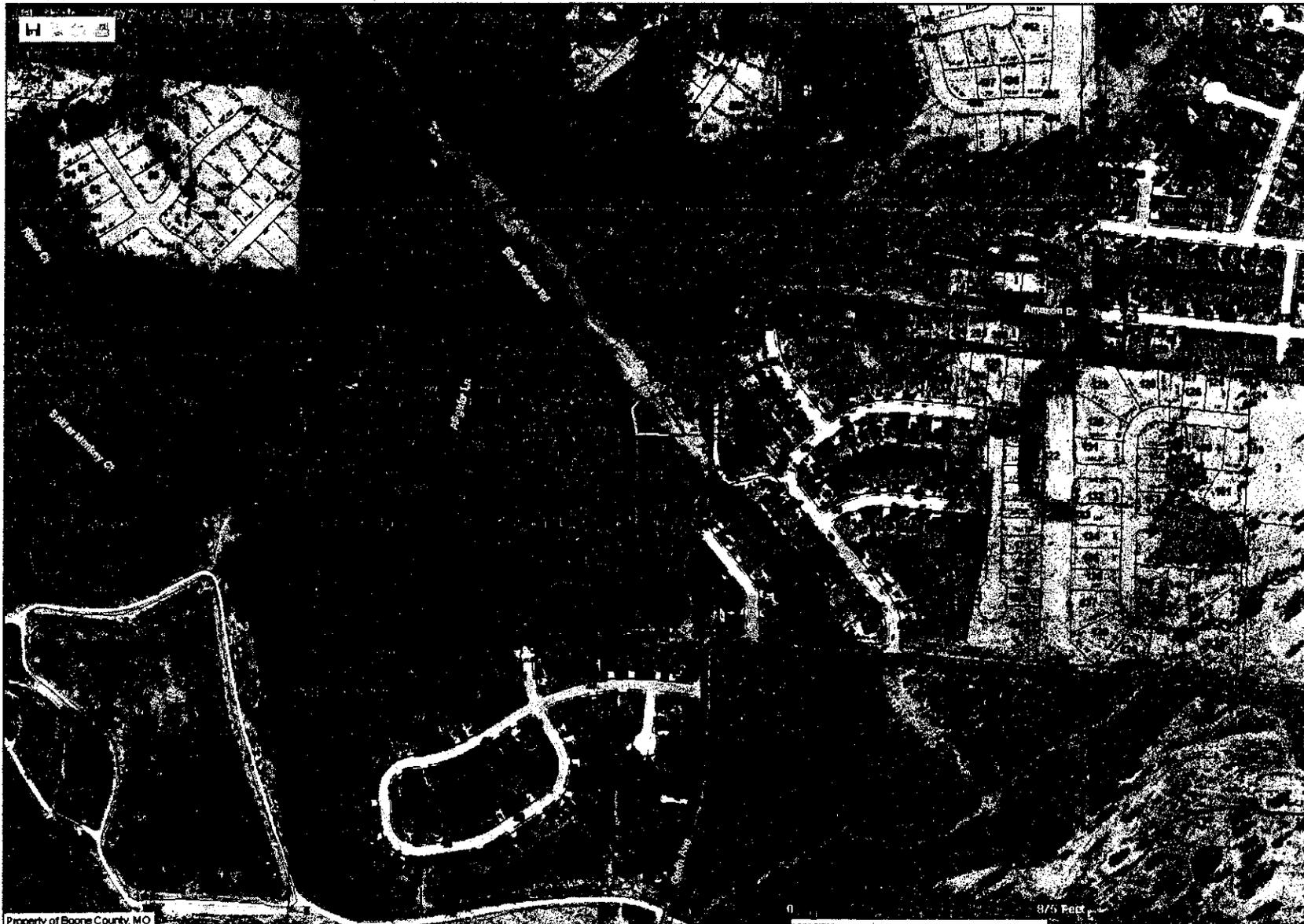
**Lot Size**  
94.63 x 162.14

**Parcel**  
11-904-00-08-  
693.00 01

Owner Information Current as of:  
11/20/2007 9:59:59 AM CST

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Zoom Level  
  
(Click) (Scroll)

OWNER **Photo ON**

Active Tool: Identify

# Boone County Parcel Information Viewer

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**Tom Schauwecker**  
Boone County  
Assessor  
(373) 886-4276

Owner

**HERIGON STEVE**  
CONSTRUCTION  
INC

Address 4101 WHITE TIGER

City, COLUMBIA, MO

State Zip 65202

School COLUMBIA (C1)

Legal VANDERVEEN

Description CROSSING PLAT 14

LDT 849

Lot Size 51.15 x 160

Parcel 11-903-00-01-

047.00 01

General Information Current as of:

4/27/2007 10:29:00 AM CST

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