

Introduced by _____ Council Bill No. R 167-08

A RESOLUTION

naming the "A. Perry Philips Park" and the "Gans Creek Recreation Area."

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

SECTION 1. The 140 acres of land located on the southwest side of U.S. Highway 63 and on the north side of Gans Road (Philips tract) is hereby designated "A. Perry Philips Park."

SECTION 2. The 340 acres of land located on the southwest side of U.S. Highway 63 and on the south side of Gans Road (Crane tract) is hereby designated "Gans Creek Recreation Area."

ADOPTED this _____ day of _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source:

Agenda Item No. _____

Mike Hood



TO: City Council
FROM: City Manager and Staff
DATE: July 14, 2008
RE: Naming of the City's New Regional Park



Fiscal Impact

YES

NO

Other Info.

SUMMARY: At the July 7, 2008, City Council meeting, the Council reviewed a report (attached) from the Park and Recreation Commission regarding their recommendation for the naming of the new regional park property acquired by the City. The Commission recommended that the two major tracts of land comprising the regional park be named as two separate parcels. Specifically, the Commission recommended that the 140 acre Philips tract be named "A. Perry Philips Park" and the 340 acre Crane property be named the "Gans Creek Recreation Area."

Following review of the Commission's report, the Council directed staff to prepare a resolution officially naming the two properties as recommended by the Park and Recreation Commission. This resolution, if approved, would officially name the two properties as specified above.

SUGGESTED COUNCIL ACTION: Approve the resolution officially naming the 140 acre Philips tract as "A. Perry Philips Park" and the 340 acre Crane property as the "Gans Creek Recreation Area."

Source

Agenda Item No. (C)

Mike Hood 
Parks and Recreation
Commission

TO: City Council
FROM: City Manager and Staff 
DATE: June 18, 2008
RE: Naming Recommendation for the City's New Regional Park

Summary: At their May 15, 2008 Commission meeting, the Park and Recreation Commission passed a motion recommending that the two major tracts of land comprising the City's new regional park be named as two separate parcels. This recommendation followed almost a year of study of the issue including numerous opportunities for the public to comment on the naming issue (public meetings, web survey, etc). A significant factor in recommending separate names for the two tracts was the requirement that the donated portion of the Phillips tract be named in recognition of A. Perry Philips. The Crane Property, on the other hand, was purchased at fair market value and no naming rights were granted as part of the purchase agreement. The Commission's motion specifically recommends that the 140 acre Philips tract be named "A. Perry Philips Park" and the 340 acre Crane property be named the "Gans Creek Recreation Area."

Fiscal Impact

YES

NO

er Info.

Discussion: During the summer of 2007, the City Council directed the Park and Recreation Commission to develop recommendations for the naming of the properties which the City had acquired as a new regional park in the southeast part of Columbia. At the July 2007 Park and Recreation Commission Meeting, staff presented the Commission with a report (see attachment a) suggesting criteria to be considered and possible options for naming the new regional park. As noted in that report, the new park actually consists of three separate tracts of land:

1. Seventy-seven (77) acres of the former Philips Farm purchased by the City from Elvin Sapp;
2. Sixty-three (63) acres (including a 40 acre lake) of the former Philips farm which was donated to the City by Mr. Sapp;
3. Three hundred and twenty (320) acres purchased by the City from the Crane Family.

The Commission was also given a copy of the Park and Recreation Department's Park and Facility Naming Guidelines (see attachment b) which suggests the following procedures for naming of a park or facility:

- A. Name should be associated with some real characteristic of the site.
- B. Name should be imaginative and pleasant sounding.
- C. Whatever theme is chosen, the name should result in a relatively timeless name.

The Park and Facility Naming Guidelines also recommend the following be considered in establishing a park name:

- A. Name after one or two chief boundary roads.
- B. Name after distinguishing feature of site or area.
- C. Name in honor of distinguished individuals or organizations.

Following consideration of the staff's report, the Commission requested that staff solicit input and comment on the naming issue from the public via public meetings and an online survey. At the January 2008 Commission meeting, a detailed report (see attachment c) which summarized suggested names as generated by the public was distributed to the Commission.

Highlights of this report include the following:

Number of participants: 146
Number of name suggestions given: 155

<u>Top Words in Name Suggestions</u>		<u>Top Individual Names</u>	
Gans	40	Gans Creek Park	19
Crane	32	Crane Park	11
Philips	13	Gans Park	5
South	12	Gans Creek Recreation Area	5
Hindman	8		
Columbia	8		

The question of naming the combined 460 acre Philips and Crane properties a single name such as the "southeast regional park" was considered by the Commission. However, investigation of the donation agreement (see attachment d) on the 63 acre portion of the Philips tract indicates that the entire donation not just the lake is to be named in honor of Mr. Philips. To avoid confusion, it is felt that the Philips name should be applied to the entire 140 acre Philips tract and not just the lake tract. Therefore, if the name of the Philips tract must contain "A. Perry Philips" and if only a single name is applied to the entire park, it would result in the Crane property also being named after Philips. Based on public meeting comments and online surveys, it appears that the public likely does not support naming the Crane property "Philips" since that name does not have any direct ties to the Crane tract. Therefore, the Commission is recommending that each of the two tracts have their own name and identity.

As part of the naming discussion, the question as to whether to call the two properties a "park" or "recreation area" was also considered. Since these tracts were acquired to represent a regional park consisting of high use recreation activities, staff initially suggested that the name include "recreation area" to match existing high use

recreation areas such as Columbia Cosmopolitan Recreation Area, Lake of the Woods Recreation Area, and Twin Lakes Recreation Area. However, the donation agreement may be interpreted as requiring the Philips tract name contain the word “park”. Therefore it was determined that “park” should be part of the official name of the Philips site. However, with the Crane tract, it is recommended that the term “recreation area” be used in order to help differentiate the two properties.

Based on the above considerations, the Commission reviewed the following suggestions and comments prior to making a final recommendation to Council.

Philips Property

It is anticipated that the public will likely view the two Philips properties as a single tract of land and view the Crane property as a separate park. This is especially true since the former Philips farm is separated from the Crane property by Gans Road which will soon see significant improvements. Staff recommends that the two Philips properties have the same name to avoid any confusion. Since the City has a donation agreement that requires that the Philips lake tract be named in recognition of A. Perry Philips, it is recommended that the entire 140 acre Philips tract be named “A. Perry Philips Park.”

Crane Property

The 320 acre Crane tract was purchased from the Crane family and did not include any donation or naming rights. There are multiple names that may be chosen for this property. The following list of possibilities was considered:

Gans Creek Recreation Area	Gans Road Recreation Area
Gans Creek Regional Park	Gans Road Regional Park
Lofty Cliff Recreation Area	Lofty Cliff Regional Park
Crane Recreation Area	Crane Farm Regional Park
Southeast Regional Park	Southeast Recreation Area

Southeast Recreation Area or Regional Park: This name would have been more appropriate if both of the Crane and Philips properties were named the same. Since the Philips donation agreement requires otherwise, this name is not recommended for only the Crane tract.

Crane Recreation Area or Crane Farm Regional Park: One of the criteria often considered for naming a park is to name the park or facility in honor of distinguished individuals or organizations. One of the key factors usually considered by the City in the naming of parks or facilities in honor of individuals is whether a significant donation or public contribution has been made. The City paid a fair market value for the Crane property and the purchase agreement did not grant any naming rights to the sellers. Naming it after the Crane family would not be consistent with other park acquisitions and subsequent names. It may also negatively impact future opportunities for donations if the park is named after someone that did not make a significant donation or contribution.

However, there may be options for naming certain facilities or features in the park after the Crane family. For example, a picnic shelter or playground could be named in recognition of the Crane family.

Gans Road Recreation Area or Regional Park: One of the naming strategies is to name a park after one or two chief boundary roads. Gans Road runs along the north border of the park and while it currently is a two lane asphalt road, it is anticipated that Gans Road will be significantly improved and become a collector street. However, Gans Road also borders the south portion of the Philips tract. It may be confusing to the public to name only the Crane property after Gans Road.

Lofty Cliff Recreation Area or Regional Park: Lofty Cliff Farm is the original name of the Crane property. The farm was established in 1877 and in a letter written by Muriel Crane that was published in the June 6, 2007, issue of the Columbia Missourian, Mrs. Crane states that the original Crane “house was built on top of a hill looking across the creek at the cliff along the creek” thus providing inspiration for the Lofty Cliff name. The Lofty Cliff name does have a certain uniqueness and represents a cultural feature of the site. However, it may not have the public recognition that the natural resources of the site may have. As with the Crane family name, Lofty Cliff may also be used as a name for a facility or feature in the park.

Gans Creek Recreation Area or Regional Park: Gans Creek is a significant natural resource that bisects the Crane property and will likely exist into perpetuity. Gans Creek has public recognition and many citizens have a pretty good idea of where the park is located by the name. The words “Gans” and “Gans Creek” were the top choices of those submitted by the public. Therefore, both the commission and staff are recommending that the Crane property be named “Gans Creek Recreation Area.”

Suggested Action: If the Council concurs with the Park and Recreation Commission’s recommendations, staff should be directed to prepare a resolution officially naming the properties.

If the Council wishes to discuss the naming issue in more detail prior to making a final decision, staff should be directed to include the issue as an agenda item for a future council work session

Philips & Crane Properties

NIFONG BLVD

BEAR FIELD ROAD

Philips Property
140± acres

Active
Recreation
Area

U.S. 63

DISCOVERY RIDGE

Active
Recreation
Area

COLUMBIA
CATHOLIC
HIGH
SCHOOL

BEAR FIELD ROAD

Crane Property
320± acres

Active
Recreation
Area

GANS CREEK

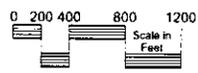
Crane Buffer and
Natural Preservation
Area

Use
Undetermined

GANS CREEK
ROAD

BONNE FEMME
CHURCH ROAD

BONNE FEMME
CHURCH ROAD



Memo

To: Parks and Recreation Commission
From: Mike Hood ~~AA~~
Date: July 13, 2007
Re: Naming of New Regional Park

As discussed at the June Park and Recreation Commission Meeting, the City Council has directed the Commission to develop a recommendation for naming the new regional park being acquired by the City.

As noted by staff, the new park actually consists of three separate tracts of land: 1.) Seventy-seven (77) acres of the former Philips Farm purchased by the City from Elvin Sapp; 2.) Sixty-three (63) acres (including a 40 acre lake) of the former Philips farm which was donated to the City by Mr. Sapp; and 3.) Three hundred and twenty (320) acres purchased by the City from the Crane Family. The two tracts of the former Philips Farm are separated from the Crane property by Gans Road.

As part of the naming process, the Commission should consider the following issues:

1. Should all the properties be named as one facility or should the Philips Tract and the Crane Tract have separate names.
- 2.) The donation agreement giving the sixty-three acre tract with lake to the City specifies that it be named in recognition of A. Perry Philips.
- 3.) Should the site be designated as a "park" "regional park" or "recreation area". Currently Cosmo, Lake of the Woods, and Twin Lakes are all officially named "recreation areas"

As a result of the discussion at the June meeting, it appeared that there was general agreement that the first step would be to brainstorm a list of possible names. The Commission would then narrow that list to a limited number of possibilities (probably no more than four or five). The Commission would then seek public comment on that list before making a final recommendation to the Council.

To begin the brainstorming process, staff has suggested the following possibilities. It is hoped that Commission members will bring additional ideas to the July meeting. Staff may have additional ideas to add to the list by the time of the meeting as well.

Proposed names – Entire site named as one facility*:

Gans Creek Recreation Area	Gans Road Recreation Area
Gans Creek Regional Park	Gans Road Regional Park
Lofty Cliffs Recreation Area	A. Perry Philips Recreation Area
Lofty Cliffs Regional Park	A. Perry Philips Regional Park
Philips Lake Regional Park	Southeast Regional Park
Philips Lake Recreation Area	Southeast Recreation Area
A. Perry Philips Memorial Park	Crane Recreation Area
Crane Farm Regional Park	

* If entire property is named as one site and the Philips name is not used, then the Commission should recommend that the lake be named “A. Perry Philips Lake”. Staff would need to confirm that such naming would meet the requirements of the donation agreement as well as obtaining the approval of the donor of the tract

Proposed Names – Property named as two separate facilities

Commission could combine any two of the above names such as:

“Gans Creek Recreation Area” (Crane property) and the “A. Perry Philips Memorial Park” (Philips property)

Park Naming Guidelines

I. Name in honor of individuals

Guideline:

1. Gifts are named as requested by the donor, subject to approving resolution by the City.
2. Person is not currently in active public service.
3. Person has contributed substantial amount of money, land, or service to the community, or was notable in the history of Columbia
4. Person or family consents to the naming of the building in a particular manner.
5. Name is adopted by resolution of the City Council with or without recommendation from another source.

Advantage:

1. Likely to promote donations in honor of individuals.
2. Honoring individuals having the most influence on the betterment of the community.

II Name after one or two chief boundary roads

Guideline:

Use of road names should be controlled to avoid duplication confusion.

Advantage:

1. Descriptive of location and easy to remember
2. Most likely to eliminate controversy

III Name after distinguishing feature of site or area

Guideline:

1. Choose names that are associated with some real characteristics of the site and easy to remember.
2. The feature should be relatively timeless so that the park name does not diminish in appropriateness with time.

Advantage:

1. May be geographically associated with the park and easy to remember
2. Likely to result in "parksy" sounding names (Twin Lakes, High Hill, etc)

Regional Park Web Survey
Conducted 11/15/07 to 1/07/08

Highlighted box indicates duplicate - name occurred in a previous category.

Suggested regional park names that include the word(s):	# of Suggestions for Park Name	Total # for Word Categories
"Gans"		40
Gans Creek Park	19	
Gans Park	5	
Gans Creek Recreation Area	5	
Gans Creek Recreational Area and RV Park	2	
Gans Creek Regional Park	2	
Gans Crane Park	1	
Gans Creek City Park	1	
Gans Creek Recreation Park	1	
Gans Ground	1	
Gans Road Recreation Area	1	
Philips/Gans Park	1	
South Gans Park	1	
"Crane"		32
Crane Park	11	
Crane Recreational Park	2	
Crane-Philips Park	2	
Crane	1	
Crane Conservatory	1	
Crane Creek Park	1	
Crane Family Regional Park	1	
Crane Fields	1	
Crane Lane Plain	1	
Crane Nature Area	1	
Crane Park	1	
Crane Point	1	
Crane Recreation Area	1	
Crane Sports Complex	1	
Crane's Southside City Park	1	
Gans Crane Park	1	
Name after the Cranes	1	
Philips/Crane properties should have one name	1	
Philips-Crane Regional Park	1	
White Crane Park	1	

Suggested regional park names that include the word(s):	# of Suggestions for Park Name	Total # for Word Categories
Fieldcrest Park	1	
Foxsnort Community and Wildlife Park	1	
Freedom Park	1	
Heritage Community Park	1	
Heritage Park	1	
In honor of Mrs. Crayton	1	
Jefferson Park	1	
Lois Chiles Park	1	
Mass Park	1	
Meadows	1	
Memory Park	1	
Metropolitan Park	1	
Molly Bowden Memorial Park	1	
Name after Dick Green	1	
Nifong Recreational Area	1	
P&R Wildlife and Community Park	1	
P. C. Park	1	
Palisades Park	1	
Prairie Lake Park	1	
Rockbridge City Park	1	
Roger Wilson Park	1	
Rolling Meadows Park	1	
Serenity Park	1	
Something to do with the Bluffs	1	
The Ponderosa	1	
Venice Park	1	
Weekapaug State Park	1	

* Note: There was no donation involved in the acquisition of the Crane property.

Suggested regional park names that include the word(s):	# of Suggestions for Park Name	Total # for Word Categories
"Crane" AND "Philips" Crane-Philips Park Philips/Crane properties should have one name Philips-Crane Regional Park	2 1 1	4
"Boone" Boone County Regional Park Daniel Boone Frontier Park Daniel Boone Frontiersmen Park	2 1 1	4
"Lofty" Lofty Cliffs Lofty Cliffs Regional Park Lofty Farm Park	1 1 1	3
"Tiger" Tiger Park Tigers Park	1 1	2
"Show-Me" Show-Me Park Show-Me State Park	1 1	2
"Joseph W. Benoit" Joseph W. Benoit Memorial Park	2	2
"Name after people who donated it" Name after people who donated it*	2	2
Other Suggested Names "Central" Park 63 Park ARC-2 Battle Park Bonne Femme Park Central Missouri Outdoor Reserve Diversity Park Enchanted Gardens Regional Park Euphoria Park Expensive Acres Park Fairfield Park	1 1 1 1 1 1 1 1 1 1 1	38

Suggested regional park names that include the word(s):	# of Suggestions for Park Name	Total # for Word Categories
"Philips" Philips Park Crane-Philips Park Philips Lake Park Philips Regional Park Philips/Crane properties should have one name Philips/Gans Park Philips-Crane Regional Park Similar name (Philips) for other tract South Philips Park South Philips Regional Park	 3 2 1 1 1 1 1 1 1 1	 13
"South" South Park Southland Park Crane's Southside City Park South Gans Park South Lake Park South Lakewoods Recreation Area South Philips Park South Philips Regional Park Southside Park Southwest Columbia Regional Park	 2 2 1 1 1 1 1 1 1 1	 12
"Hindman" Hindman Park Hindman Leadership Park Hindman Hickory Hideout Dary Hindman Park Darwin Hindman Recreation Park	 4 1 1 1 1	 8
"Columbia" Columbia "Peace" Park Columbia Community Park Columbia Heritage Park Columbia Life Park Columbia Park Columbia Park of Recreation Columbia Regional Park Southwest Columbia Regional Park	 1 1 1 1 1 1 1 1	 8

Regional Park Web Survey
Conducted 11/15/07 to 1/07/08

SUMMARY

Length of time survey on the web	7 weeks
Number of participants	146
Number of name suggestions given	155
Note: Not all participants gave a name suggestion. Some participants suggested more than one name.	
Top words in name suggestions	
Gans	40
Crane	32
Philips	13
South	12
Hindman	8
Columbia	8
Crane (and) Philips	4
Boone	4
Lofty	3
Tiger	2
Show-Me	2
Joseph W. Benoit	2
Name sfter people who donated it*	2
Top Individual Names	
Gans Creek Park	19
Crane Park	11
Gans Park	5
Gans Creek Recreation Area	5
Hindman Park	4

* Note: There was no donation involved in the acquisition of the Crane property.

Complete Agreement is
20 pages - only
pages relevant to
NAMING ARE ATTACHED
M. Head
6/15/07

08/13/04

PHILIPS FARM AGREEMENT

This agreement is entered into on this 23rd day of August, 2004, between Bristol Lake Investments, LLC, B & E Investment, Inc., Bristol 124, LLC and Bristol 6789, LLC ("Grantors" or "Developer") and the City of Columbia, Missouri, a municipal corporation ("Grantee" or "Buyer" or "City").

This agreement pertains to property owned by Grantors known as the "Philips Farm," a 528 acre tract of land located on the southwest side of U.S. Highway 63 and on the north side of Gans Road which was annexed into the City of Columbia on March 15, 2004 and which is more particularly described as follows:

A TRACT OF LAND LOCATED IN SECTION 32 AND THE WEST HALF OF SECTION 33, TOWNSHIP 48 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING THE LAND DESCRIBED IN THE TRUSTEE'S DEED RECORDED IN BOOK 1653, PAGE 84, THE TRUSTEE'S DEED RECORDED IN BOOK 1609, PAGE 950 AND THE WARRANTY DEED RECORDED IN BOOK 495, PAGE 679 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 32-48-12, AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-45061; THENCE WITH THE WEST LINE OF SAID SECTION 32, N1°43'15"E, 42.29 FEET TO THE NORTH RIGHT-OF-WAY LINE GANS ROAD, THENCE CONTINUING WITH SAID SECTION LINE, N1°43'15"E, 1320.30 FEET TO THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1260, PAGE 579; THENCE LEAVING SAID SECTION LINE, AND WITH THE LINES OF SAID TRACT, S89°54'40"E, 1322.77 FEET; THENCE N1°23'20"E, 396.00 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 224, PAGE 516; THENCE WITH THE NORTH LINE THEREOF S89°54'40"E, 1330.68 FEET TO THE QUARTER SECTION LINE OF SECTION 32-48-12; THENCE WITH SAID

QUARTER SECTION LINE, N1°36'10"E, 2436.09 FEET TO THE SOUTH LINE OF THE SURVEY RECORDED IN BOOK 253, PAGE 193; THENCE LEAVING SAID QUARTER SECTION LINE AND WITH THE LINES OF SAID SURVEY S88°05'25"E, 383.04 FEET; THENCE N39°12'15"E, 1032.82 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE CONTINUING N39°12'15"E, 175.0 FEET TO THE CENTERLINE OF THE OLD COLUMBIA AND JEFFERSON CITY GRAVEL ROAD; THENCE WITH THE CENTERLINE OF SAID GRAVEL ROAD, S49°54'10"E, 1403.3 FEET; THENCE CONTINUING WITH THE CENTERLINE OF SAID GRAVEL ROAD, S49°58'E, 2500.5 FEET; THENCE S45E, 429.0 FEET; THENCE S35E, 620.4 FEET; THENCE S35°16'E, 665.1 TO THE NORTHEAST CORNER OF GANS CREEK SUBDIVISION BLOCK 1, RECORDED IN PLAT BOOK 12, PAGE 90; THENCE LEAVING THE CENTERLINE OF AFORESAID COLUMBIA AND JEFFERSON CITY GRAVEL ROAD AND WITH THE LINES OF SAID SUBDIVISION AND THE CENTERLINE OF GANS CREEK ROAD, S25°02'00"W, 438.12 FEET; THENCE S47°03'00"W, 776.63 FEET; THENCE S58°48'00"W, 233.24 FEET; THENCE S41°53'00"W, 202.38 FEET; THENCE S53°47'00"W, 31.19 FEET; THENCE CONTINUING WITH THE CENTERLINE OF GANS CREEK ROAD S53°46'30"W, 316.72 FEET TO THE SOUTH LINE OF SECTION 33; THENCE LEAVING SAID CENTERLINE AND WITH THE SOUTH LINE OF SAID SECTION, N88°45'20"W, 1306.92 FEET TO THE SOUTHWEST CORNER THEREOF AND THE SOUTHEAST CORNER OF SECTION 32; THENCE WITH THE SOUTH LINE OF SECTION 32, N88°53'05"W, 5309.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 528 ACRES MORE OR LESS.

I. DEFINITIONS

1. **Definitions.** The following definitions apply to this agreement:

"Developer" refers to Bristol Lake Investments, LLC, B & E Investment, Inc., Bristol 124, LLC and Bristol 6789, LLC collectively.

"Lake Tract" refers to the 62.95 acre (approximate) tract located on the Philips Farm which contains a 40 acre lake and is depicted on Exhibit A which is attached to and made a part of this agreement. The Lake Tract is owned by Bristol Lake Investments, LLC.

"Non-Lake Tract" refers to the 77.07 acre (approximate) tract located on the Philips Farm which is depicted on Exhibit A. The Non-Lake Tract is owned by B & E Investment, Inc.

"Tract 4" refers to that portion of the Philips Farm which is identified in Ordinance No. 018019 as Tract 4 and which is more particularly described in Exhibit B which is attached to and made a part of this agreement. Tract 4 is owned by Bristol 124, LLC.

III. DONATION OF LAKE TRACT

16. **Donation of Lake Tract.** Bristol Lake Investments, LLC, referred to in this Part III as "Grantor," contingent and conditioned upon its being able to obtain the necessary permits and authorizations to make the lake improvements described in Section 22 and upon Grantor's having the reasonable ability to make such lake improvements, agrees to donate the Lake Tract to City and, contingent and conditioned upon Grantor making such lake improvements described in Section 22, City agrees to accept such donation.
17. **Use of Lake Tract.** The tract shall be used as a public park and the lake on the Lake Tract shall be used as a public recreational facility and regional stormwater facility. City may assign its right to own and operate the lake to the Missouri Department of Conservation or any other public entity; provided that the lake shall remain a public recreational facility and regional stormwater facility.
18. **Name.** The park on the Lake Tract shall be named in memory of A. Perry Philips.
19. **Title conveyed.** Grantor shall convey title to the Lake Tract in fee simple absolute and free from all liens and encumbrances except for the following Permitted Exceptions:
 - (a) those items disclosed on the title insurance commitment which are not objected to by Buyer within the time allowed for objections.
 - (b) those items disclosed by the survey and not objected to by Buyer within the time allowed for objections.
 - (c) any other matter consented to by City.
20. **Survey.** Grantor shall obtain, at Grantor's expense, a boundary survey of the Lake Tract by a registered Missouri land surveyor. Grantor shall provide a copy of this survey to City within seven days of the execution of this agreement. If the survey shows any encroachment on the Lake Tract or any unrecorded apparent easement, such encroachments and apparent easements shall be treated as title defects. City must give notice to Grantor of any items disclosed by the survey to which it objects no later than 21 days after receiving a copy of the survey.
21. **Environmental assessment.** In order to establish whether any environmental contamination or hazard exists on any portion of the Lake Tract, 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

NON LAKE TRACT (City Purchase)

LAKE TRACT (Donated)

NON-LAKE TRACT

GAYS ROAD

9

4.77 ACRES

LAKE 2.95 ACRES

0.01 ACRES

10.09 ACRES

Only with this work for LPAD?

