

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 57-09

AN ORDINANCE

declaring the need to acquire easements for construction of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park; 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 easements in connection with construction of the Hinkson Creek Trail between the Grindstone Nature Area and Stephens Lake Park as follows:

STADIUM APARTMENTS, LLC
PARCEL NO. 17-414-00-02-001.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN IRREGULAR TRACT OF LAND ACROSS THE SOUTH PART OF LOT 1, STADIUM SUBDIVISION PLAT NO. 2, RECORDED IN PLAT BOOK 21, PAGE 79, ALSO ACROSS PART OF STADIUM CONDOMINIUMS, RECORDED IN BOOK 707, PAGE 97, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2955, PAGE 15 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERNMOST CORNER OF SAID LOT 1, BEING ON THE NORTH RIGHT-OF-WAY LINE OF STADIUM BOULEVARD; THENCE WITH THE SOUTHERLY LINE OF SAID LOT 1, N67°30'55"W, 420.25 FEET; THENCE N70°21'30"W, 14.65 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N21°50'40"E, 4.40 FEET; THENCE S67°59'40"E, 275.63 FEET; THENCE N24°19'10"E, 5.00 FEET; THENCE S65°40'50"E, 100.00 FEET; THENCE S76°59'00"E, 51.00 FEET; THENCE S74°32'00"E, 38.38 FEET TO THE EAST LINE OF SAID LOT 1; THENCE WITH SAID EAST LINE, S76°57'00"W, 35.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 3275 SQUARE FEET.

ASHLAND MANOR PROPERTIES
PARCEL NO. 17-403-00-00-035.00 01
TEMPORARY CONSTRUCTION EASEMENT

A TRIANGULAR TRACT OF LAND ACROSS THE NORTHEAST PART OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 505, PAGE 508, LOCATED IN THE NORTH HALF OF SECTION 19, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1169, PAGE 308 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT D-1 OF THE ADMINISTRATIVE PLAT OF LOTS C & D OF COLLEGE SPRINGS SUBDIVISION, RECORDED IN BOOK 1685, PAGE 618, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STADIUM BOULEVARD; THENCE WITH THE WEST LINE OF SAID LOT D-1, S9°12'45"E, 54.40 FEET; THENCE LEAVING SAID WEST LINE, N32°00'00"W, 75.75 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID STADIUM BOULEVARD; THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE, S71°29'00"E, 33.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 800 SQUARE FEET.

GEORGE EDWARD CRAWFORD
PARCEL NO. 17-403-00-01-002.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN IRREGULAR TRACT OF LAND ACROSS THE NORTH PART OF LOT D-1 OF THE ADMINISTRATIVE PLAT OF LOTS C & D OF COLLEGE SPRINGS SUBDIVISION, RECORDED IN BOOK 1685, PAGE 618, LOCATED IN THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 559, PAGE 290 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT D-1 ON THE SOUTH RIGHT-OF-WAY LINE OF STADIUM BOULEVARD; THENCE WITH THE NORTHERLY

LINE OF SAID LOT D-1, S49°49'20"E, 71.47 FEET; THENCE, S82°45'20"E, 301.62 FEET; THENCE S61°09'40"E, 67.59 FEET; THENCE S30°40'05"E, 84.52 FEET; THENCE LEAVING SAID NORTHERLY LINE, 93.60 FEET ALONG A 50.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N83°47'35"W, 80.52 FEET; THENCE N28°30'45"W, 20.39 FEET; THENCE N17°07'25"W, 62.69 FEET; THENCE N75°05'55"W, 45.87 FEET; THENCE N82°45'50"W, 297.23 FEET TO THE WEST LINE OF SAID LOT D-1; THENCE WITH SAID WEST LINE, N9°12'45"W, 54.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 10,380 SQUARE FEET.

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 _____, 2009.

ATTEST:


City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source:
Mike Hood 

TO: City Council
FROM: City Manager and Staff 
DATE: February 9, 2009
RE: Construction of the Hinkson Creek Trail (Old 63 Pedway) with Park Sales Tax and STP Enhancement Grant Funds.

FISCAL NOTES:

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$780,000	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$780,000	Estimated 2 yr net costs:
\$1,600	One-time
	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)

EXECUTIVE SUMMARY:

The Department of Parks and Recreation is requesting authorization to proceed with the construction of the Hinkson Creek Trail-Grindstone to Stephens Lake Park project including permission to acquire easements on three properties. Total project cost is estimated to be \$780,000 and is funded from the 2005 Park Sales Tax and Federal Highway Administration: Surface Transportation Program (STP) Enhancement Grant Funds. A public hearing was held by Council on February 2, 2009, regarding the route of the trail and this request will authorize the department to proceed with construction and the acquisition of necessary easements.

DISCUSSION:

The Parks & Recreation Department is ready to proceed with the construction of Phase I and Phase II of the Hinkson Creek Trail-Grindstone to Stephens.

There are three properties where temporary construction easements are required. Property owners have indicated a willingness to work with the City on the acquisition of those easements for the trail project. City will need to obtain, execute and have recorded all licenses, easements,

deeds and any other conveyances or instruments necessary for the City to complete this improvement.

An Interested Party meeting was held on February 29, 2008. There were no adverse comments to this portion of the project. (Note: this project compliments the GetAbout portion which is in re-design due to cost and public comments on the Hinkson Creek – Moon Valley bridge and Old 63 underpass). On February 2, 2009, the City Council held a public hearing on the proposed route and following the hearing, Council directed staff to prepare easement acquisition and construction authorization ordinances.

FISCAL IMPACT:

The total budget for the project is \$780,000 and is funded by a combination of Park Sales Tax and Federal Highway Administration: Surface Transportation Program (STP) Enhancement Grant Funds as noted below:

- A. Hinkson Creek Trail-Grindstone to Stephens Phase I
 Park Sales Tax: \$228,000 plus STP Enhancement: \$342,000 = \$570,000

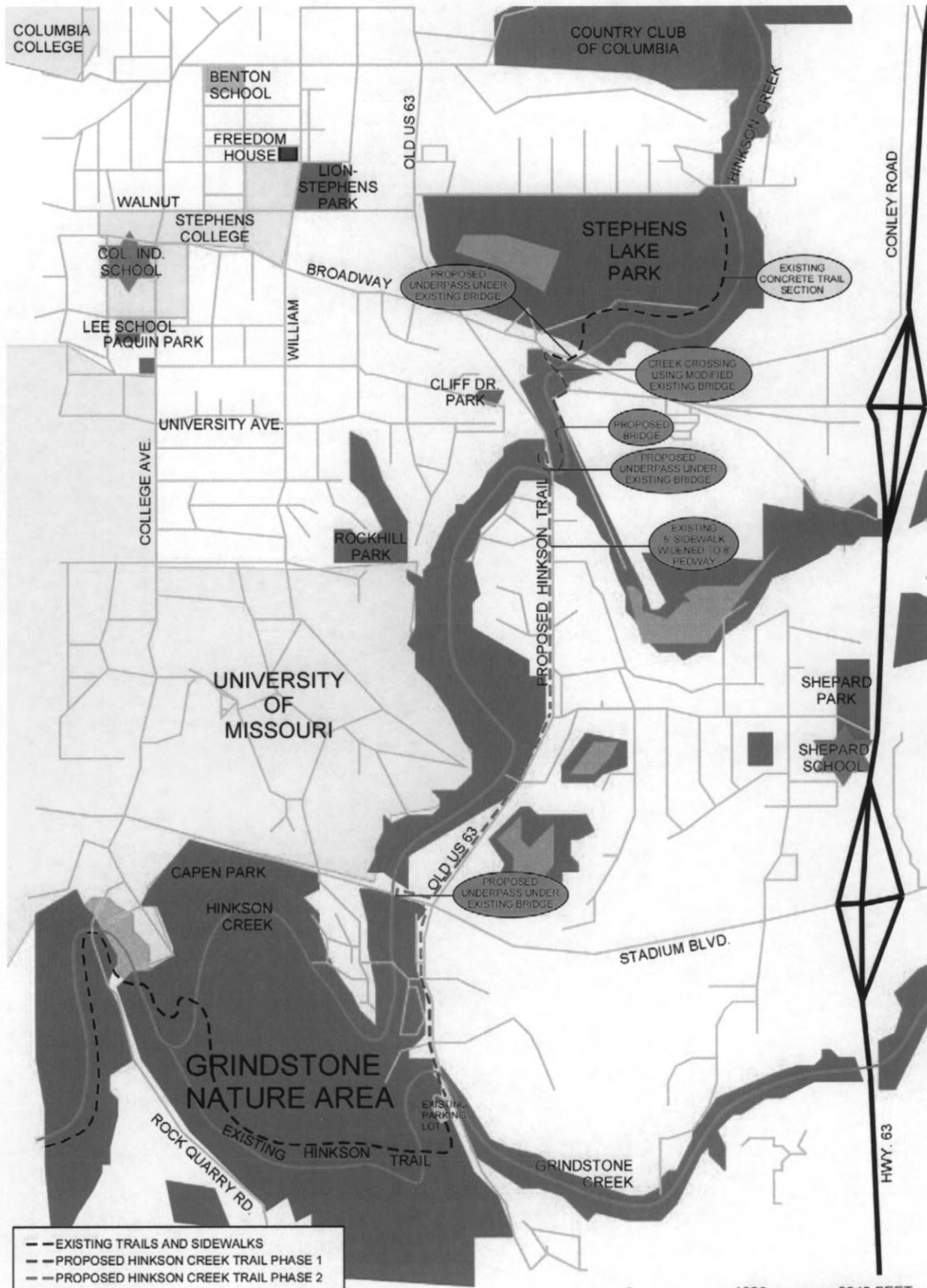
- B. Hinkson Creek Trail-Grindstone to Stephens Phase II
 Park Sales Tax: \$ 84,000 plus STP Enhancement: \$126,000 = \$210,000

- Total for both Phase I and Phase II: \$780,000

It is anticipated that the trail will be constructed with concrete thus reducing the annual maintenance costs. Staff anticipates that the tunnels under the bridges will require clean-up work following flooding and that there will be periodic maintenance activities such as illegal dumping, graffiti and possibly some miscellaneous repairs to the sign. These maintenance activities are all labor related with very few, if any materials/supplies required. Staff believes that these tasks will be able to be absorbed in the current operating budget. At this time, the department is not requesting any permanent or temporary employees based on the addition of this trail, but as other trails are added or developed, the addition or possibly the conversion of temporary salaries to permanent may be requested.

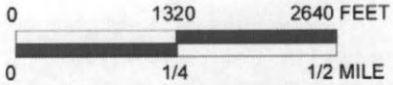
SUGGESTED COUNCIL ACTIONS:

If the Council concurs that the project should proceed, the ordinance authorizing the construction of the project and authorizing the City Manager to enter into an agreement to acquire temporary construction easements should be adopted.



- EXISTING TRAILS AND SIDEWALKS
- - - PROPOSED HINKSON CREEK TRAIL PHASE 1
- - - PROPOSED HINKSON CREEK TRAIL PHASE 2

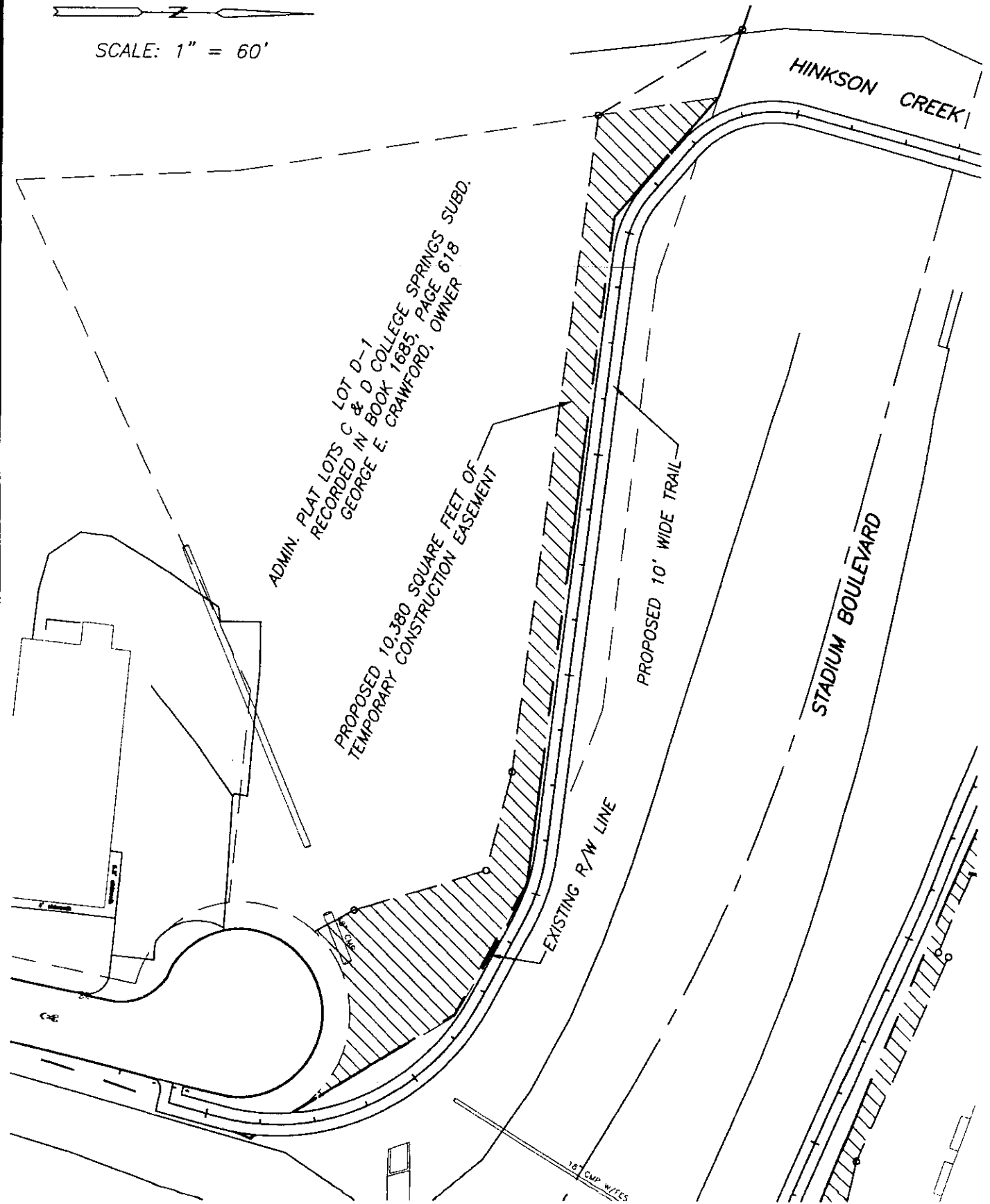
- EXISTING CITY PARKS
- OTHER CITY LANDS, SCHOOLS ★ CITY SCHOOLS
- EXISTING PRIVATE PARKS AND RECREATION FACILITIES
- UNIVERSITIES AND COLLEGES
- EXISTING FLOODPLAINS FOR POTENTIAL TRAILS



PROPOSED HINKSON CREEK TRAIL EXTENSION
 3-7-01 DRAWN BY: MSS
 REVISED: 1-8-04 (ALT. ROUTES) AJL
 REVISED: 12-15-08 MSS



SCALE: 1" = 60'



DISPLAY FOR
HINKSON CREEK TRAIL EXTENSION
ACROSS GEORGE E. CRAWFORD TRACT.



SCALE: 1" = 60'

WARRANTY DEED RECORDED IN BOOK 1169, PAGE 308
SURVEY RECORDED IN BOOK 505, PAGE 508
ASHLAND MANOR PROPERTIES, OWNER

PROPOSED 800 SQUARE FEET OF
TEMPORARY CONSTRUCTION EASEMENT

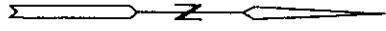
EXISTING R/W LINE

HINKSON CREEK

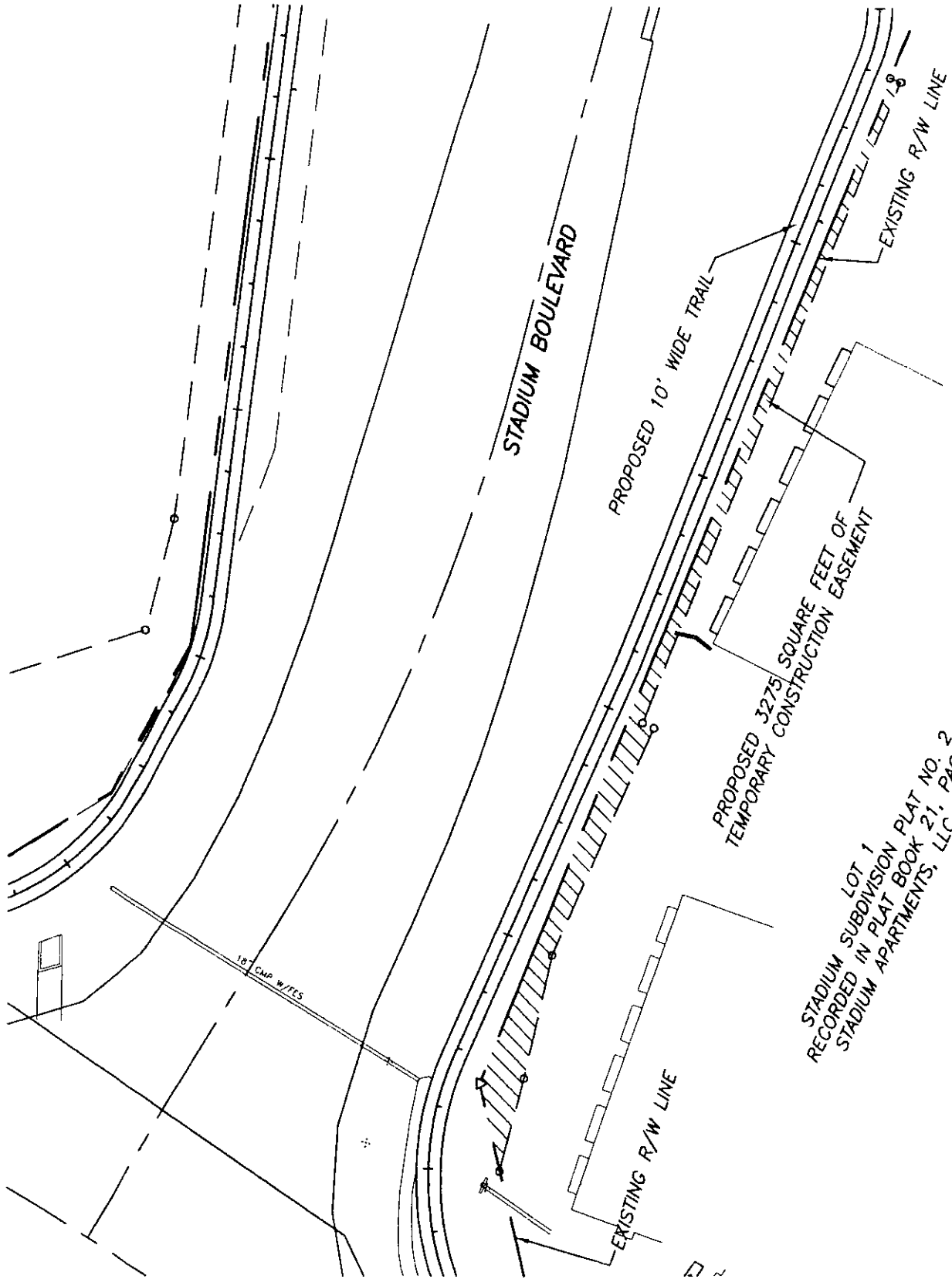
PROPOSED 10' WIDE TRAIL

STADIUM BOULEVARD

DISPLAY FOR
HINKSON CREEK TRAIL EXTENSION
ACROSS ASHLAND MANOR PROPERTIES TRACT



SCALE: 1" = 60'



LOT 1
STADIUM SUBDIVISION PLAT NO. 2
RECORDED IN PLAT BOOK 21, PAGE 79
STADIUM APARTMENTS, LLC, OWNER

DISPLAY FOR
HINKSON CREEK TRAIL EXTENSION
ACROSS STADIUM APARTMENTS, LLC TRACT