

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 182-13

AN ORDINANCE

vacating easements for storm water facilities and access located on the east side of Seventh Street, approximately 100 feet north of Fairview Avenue; directing the City Clerk to have a copy of this ordinance recorded; consenting to a Discharge and Release of Stormwater Management/BMP Facilities Covenant made by Central Missouri Community Action; 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 Council finds and determines that certain storm water facilities and access located on the east side of Seventh Street, approximately 100 feet north of Fairview Avenue (1004 North Seventh Street), more particularly described as follows:

The south eight (8) feet of Lot 9, Ballew's Subdivision, Columbia, Missouri shown in Plat Book 1, Page 15 of the Boone County records.

The east part of the south 60 feet of Lot 9, Ballew's Subdivision, Columbia, Missouri, shown in Plat Book 1, Page 15 of the Boone County records, said east part more particularly described as follows; "Beginning" at the southeast corner of said Lot 9; thence west along the south line thereof for a distance of 40.28 feet; thence north, perpendicular to said south line for 59.59 feet to the north line of said south 60 feet of Lot 9; thence east along the north line of said south 60 feet of Lot 9 for 33.25 feet to the northeast corner thereof; thence south along the east line of said Lot 9 for 60 feet to the point of "Beginning."

The west part of the south 60 feet of Lot 9, Ballew's Subdivision, Columbia, Missouri, shown in Plat Book 1, Page 15, and being described by a Missouri Corporation Warranty Deed recorded in Book 2881, Page 156, of the Boone County records. Said west part being described as follows:

Beginning at the southwest corner of Lot 9, Ballew's Subdivision; thence easterly, along the south line of said Lot, 80.0 feet; thence Northerly at a right

angle to said south lot line, 46.0 feet; thence westerly, parallel with said south lot line, 85.46 feet to the West line of said lot, being the east right-of-way line of North 7th Street; thence South along last said lot line, 46.23 feet to the point of beginning.

is in excess and surplus to the needs of the City and is hereby vacated.

SECTION 2. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be recorded in the office of the Recorder of Deeds of Boone County, Missouri.

SECTION 3. The City Council hereby consents to the Discharge and Release of Stormwater Management/BMP Facilities Covenant from Central Missouri Community Action, more particularly described in Exhibit "A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

**DISCHARGE AND RELEASE OF
STORMWATER MANAGEMENT/BMP FACILITIES COVENANT**

WHEREAS, on this _____ day of _____, 2013, this Discharge and Release of Stormwater Management/BMP Facilities Covenant was made and executed to discharge and release the Stormwater Management/BMP Facilities Covenant filed by way of instrument dated July 22, 2011, and recorded in the office of the Boone County Recorder of Deeds at Instrument No. 2011020248, Book 3865, Page 51. This Discharge and Release as well as the original Stormwater Management/BMP Facilities Covenant was executed by Central Missouri Community Action, a not-for-profit corporation located in the County of Boone, State of Missouri and with an address of 807-B North Providence Road, Columbia, MO 65203, Grantor and hereinafter called the "Landowner." The Stormwater Management/BMP Facilities Covenant benefitted the City of Columbia, Missouri, a municipal corporation of the State of Missouri, located in Boone County, Missouri, hereinafter called "Grantee," Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205-6015. Landowner imposed the Stormwater Management/BMP Facilities Covenant upon certain real estate located at 1004 Seventh Street, Columbia, Boone County, Missouri, being more fully described as:

Boone County Tax Map/Parcel Identification Number 16-316-00-06-008.00 01 as recorded by deed in the land records of Boone County Missouri at Deed Book 2881, Page 156 with the legal description of

Sixty (60) feet off of the south side of lot number nine (9) in Ballew's Subdivision of Thirteen and 25/100 acres, the West part of the Northeast Quarter of Section Twelve (12), Township Forty-eight (48) , Range Thirteen (13), All in Columbia, Boone County, MO, hereinafter called the "Property"; and

WHEREAS, the covenant and easement were filed as part of the requirements of the stormwater management ordinance in relation to the proposed construction of a transitional housing apartment complex that is now not going to be built; and

WHEREAS, such restrictive covenants and conditions are deemed to be burdensome rather than of benefit; and

WHEREAS, the Grantee, by Ordinance No. _____, has consented to the Discharge and Release of Stormwater Management/BMP Facilities Covenant.

NOW, THEREFORE, the undersigned Landowner, who is the owner of record of the lands hereinabove described, for themselves, their heirs, personal representatives, successors and assigns, do hereby release, abandon and forever discharge said restrictive covenants and conditions heretofore imposed on said lands by the Stormwater Management/BMP Facilities Covenant.

CENTRAL MISSOURI COMMUNITY ACTION

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Name: _____

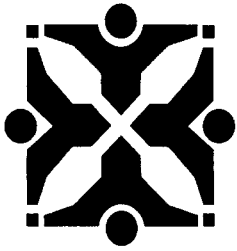
STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

On this ____ day of _____, 20__, before me, a Notary Public in for said state, personally appeared _____, to me personally known, who by me duly sworn, did say that they are the _____ as stated of Central Missouri Community Action, and this instrument was signed on behalf of said non-profit corporation and further acknowledged that they executed the same as a free act and deed for the purposes therein stated and that they have been granted the authority by said non-profit corporation to execute the same.

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

Notary Public

My Commission Expires: _____



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Jul 1, 2013

Re: Central Missouri Community Action - easement vacation requests (Case #13-91)

EXECUTIVE SUMMARY:

A request by Central Missouri Community Action (owner) to vacate easements for storm water facilities and access, and to be released from a related storm water management/BMP facilities covenant affecting property located on the east side of Seventh Street, approximately 100 feet north of Fairview Avenue, and addressed 1004 N. Seventh Street. (Case 13-91)

DISCUSSION:

The request is for Council to vacate storm water easements that were dedicated in anticipation of a multi-family dwelling development, and to consent to release the applicant from a related stormwater management/BMP facilities covenant. The redevelopment project failed to materialize, and the applicant would like to vacate the easements and be released from the covenant so that the lot can be developed with a single-family home. There are no storm water facilities located within the subject easements, and neither the easements nor the covenant are needed to support the construction of a single-family home on the subject site.

A letter from the applicant is attached, along with locator maps, descriptions of the easements to be vacated, and a copy of the discharge and release covenant.

FISCAL IMPACT:

None.

VISION IMPACT:

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

None.

SUGGESTED COUNCIL ACTIONS:

Approval of the requested easement vacations, and consent to allow for the discharge and release from the related stormwater management/BMP facilities covenant.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Epands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	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?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

Central Missouri Community Action



807-B North Providence Road
Columbia, MO 65203
(Voice) 573-443-8706 • (Fax) 573-875-2689
www.showmeaction.org

May 13, 2013

Mr. Steve MacIntyre, Planner
City of Columbia Planning Department
701 E. Broadway
Columbia MO 65203

RE: Vacation of Easement at 1004 N. 7th Street

Dear Mr. MacIntyre:

Central Missouri Community Action owns the property at 1004 N. 7th Street in Columbia. As you may recall, it was our intent to construct a homeless youth transitional housing apartment building on that site. Unfortunately due to various funding issues, we are not going to be able to construct the facility.

While the lot is less than one acre, we did fall under the City's storm water drainage ordinance and a covenant and easement was signed and granted by CMCA. Because we are going to construct a single family home on the property for sale to an income eligible family, we want to insure clear title is provided to the future homeowner.

Please find attached a Development Review Application along with the required attachments and a check for \$277 for an easement vacation. In addition, I am enclosing a copy of a covenant release prepared by the City Attorney. It is my understanding that the process will need to include a request to the City Council for the release of the covenant along with the vacation. After the ordinance is approved, we will be able to sign the covenant. I have e-mailed the editable digital copy of the legal description as well.

If you are in need of any other information or documentation, please do not hesitate to contact me at 573-443-8706 x 1090. Thank you for your time in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Moore", with a long horizontal flourish extending to the right.

Dianna P. Moore, CCAP
Director, Economic Development

Boone County Internet Parcel Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



ATTENTION!!

DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these maps and assumes no liability or responsibility for the use or reuse of these maps by persons not affiliated with Boone County. Use of these maps by any person not affiliated with Boone County constitutes agreement by the user to assume full liability and responsibility for the verification of the accuracy of information shown on these maps.

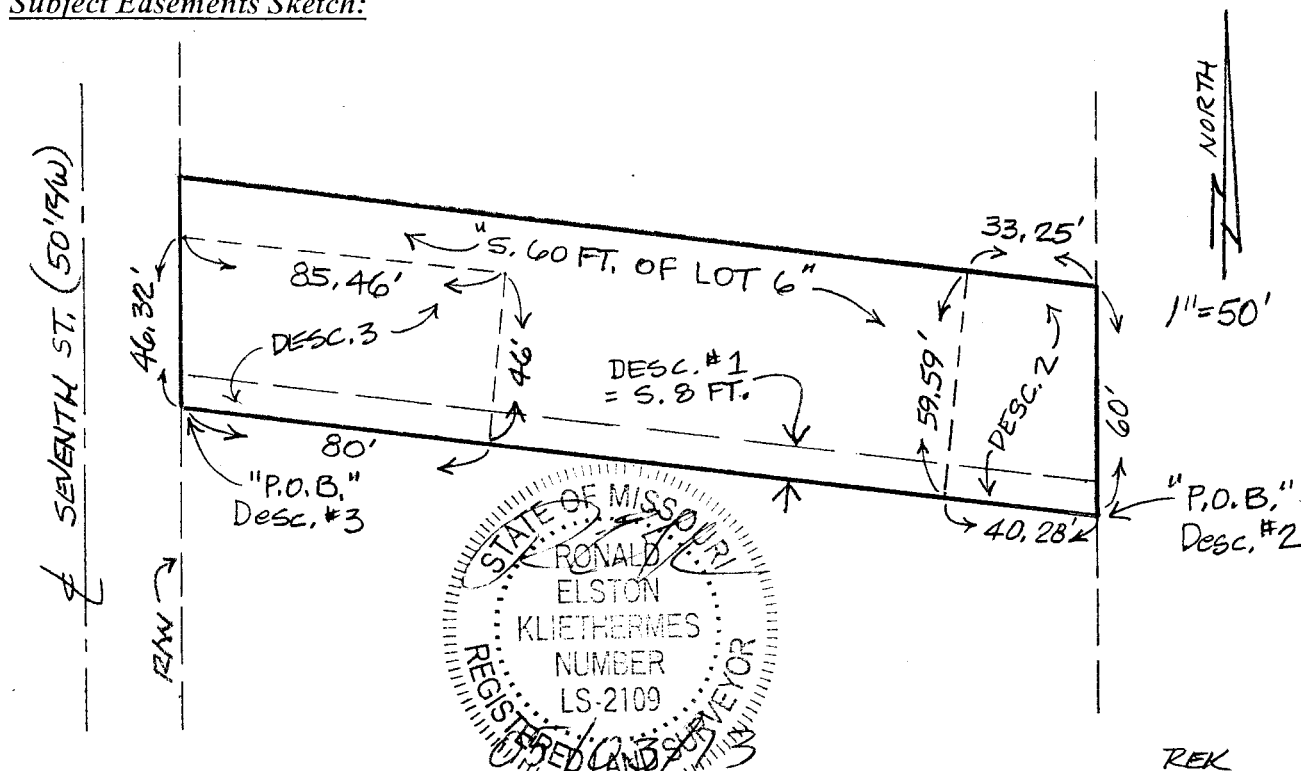
Subject easements vacated are same as previously granted per Book 3865, Page 44 of the Boone County Records.

Existing Easement for Stormwater Facilities & Access

Subject Easements Boundary Descriptions (three parts):

1. The south eight (8) feet of Lot 9, Ballew's Subdivision, Columbia, Missouri, shown in Plat Book 1, Page 15 of the Boone County records.
2. The east part of the south 60 feet of Lot 9, Ballew's Subdivision, Columbia, Missouri, shown in Plat Book 1, Page 15 of the Boone County records, said east part more particularly described as follows; "Beginning" at the southeast corner of said Lot 9; thence west along the south line thereof for a distance of 40.28 feet; thence north, perpendicular to said south line for 59.59 feet to the north line of said south 60 feet of Lot 9; thence east along the north line of said south 60 feet of Lot 9 for 33.25 feet to the northeast corner thereof; thence south along the ease line of said Lot 9 for 60 feet to the point of "Beginning".
3. The west part of the south 60 feet of Lot 9, Ballew's Subdivision, Columbia, Missouri, shown in Plat Book 1, Page 15, and being described by a Missouri Corporation Warranty Deed recorded in Book 2881, Page 156, of the Boone County records. Said west part being described as follows: "Beginning" at the southwest corner of Lot 9, Ballew's Subdivision; thence easterly, along the south line of said Lot, 80.0 feet; thence Northerly at a right angle to said south lot line, 46.0 feet; thence westerly, parallel with said south lot line, 85.46 feet to the West line of said lot, being the east right-of-way line of North 7th Street; thence South along last said lot line, 46.32 feet to the point of beginning.

Subject Easements Sketch:



Prepared by: MECO Engineering Co., Inc.
Proj. #104-361.001 for CMCA / May 03, 2013 / REK