

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 87-14

AN ORDINANCE

authorizing the City Manager to accept the donation of Lot 232 within Magnolia Falls Plat 2, adjacent to Old Mill Creek Road, from Beacon Street Properties, LLC; providing that the land shall be used for public park and open space purposes; directing the City Clerk to have a copy of the deed recorded; 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 authorized to accept the donation of Lot 232 within Magnolia Falls Plat 2, located adjacent to Old Mill Creek Road, from Beacon Street Properties, LLC, more particularly described as follows:

A tract of land containing 16.04 acres, more or less, being Lot Two Hundred Thirty-two (232) of Magnolia Falls Plat Two (2), a subdivision located in the City of Columbia, Boone County, Missouri, as shown by the plat thereof recorded in Plat Book 47, Page 59, Records of Boone County, Missouri.

SECTION 2. This land shall be used for public park and open space purposes.

SECTION 3. The City Clerk is authorized and directed to have the Missouri general warranty deed recorded in the office of the Boone County Recorder of Deeds. The form and content of the deed shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof.

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

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

*Boone-Central Title Company
File No. 1401515*

Missouri General Warranty Deed

This Indenture, Made on **7th day of April, 2014**, by and between

Beacon Street Properties, LLC, a Missouri limited liability company,
as GRANTOR, and

The City of Columbia, Missouri, a municipal corporation of the State of Missouri,
as GRANTEE, whose mailing address is:

,

Property Address: **Lot 232 on Old Mill Creek Road, Columbia, MO 65203**

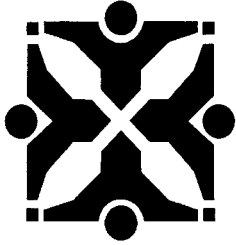
WITNESSETH: THAT THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby Grant, Bargain, Sell, Convey and Confirm unto GRANTEE, GRANTEE'S heirs and assigns, the following described lots, tracts and parcels of land situated in the County of **Boone** and State of **Missouri**, to wit:

A tract of land containing 16.04 acres, more or less, being Lot Two Hundred Thirty-two (232) of Magnolia Falls Plat Two (2), a subdivision located in the City of Columbia, Boone County, Missouri, as shown by the plat thereof recorded in Plat Book 47, Page 59, Records of Boone County, Missouri.

Subject to easements, restrictions, reservations, and covenants of record, if any.

TO HAVE AND TO HOLD The premises aforesaid with all singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto GRANTEE and unto GRANTEE'S heirs and assigns forever; the GRANTOR hereby covenanting that GRANTOR is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that GRANTOR has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by GRANTOR or those under whom GRANTOR claims, except as stated above and except for all taxes assessments, general and special, not now due and payable, and that GRANTOR will warrant and defend the title to the said premises unto GRANTEE and unto GRANTEE'S heirs and assigns forever, against the lawful claims and demands of all persons whomsoever. If two or more persons constitute the GRANTOR or GRANTEE, the words GRANTOR and GRANTEE will be construed to read GRANTORS and GRANTEES whenever the sense of this Deed requires.

MARY JO EDMISTON
Notary Public - Notary Seal
STATE OF MISSOURI
County of Boone
My Commission Expires January 9, 2016
Commission #11498146



Source: Parks and Recreation *mt*

Agenda Item No:

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

Council Meeting Date: Apr 7, 2014

Re: Magnolia Falls Subdivision Lot 232 Donation

EXECUTIVE SUMMARY:

The Parks and Recreation Department is requesting Council approval for an ordinance to accept a conveyance in fee simple for the donation of Lot 232 Magnolia Falls Plat 2. Beacon Street Properties, LLC has agreed to donate 16.04 acres of land in Magnolia Falls Plat 2 for public park and open space uses. The property is located in southwest Columbia adjacent to Old Mill Creek Road with a mixture of level open space and wooded creek buffer land adjacent to the Mill Creek. The property is well suited for the development of neighborhood park facilities as well as natural open space uses. The donated property would meet the need for a neighborhood park in this area of the city as identified in the 2013 Parks, Recreation and Open Space Master Plan.

DISCUSSION:

In October 2013, park staff was approached by representatives of Beacon Street Properties, LLC concerning the potential donation of property south of the Magnolia Falls Subdivision. The 16.04 acre tract of land has road frontage along Old Mill Creek Road and is comprised of a mixture of level open space and wooded creek buffer land adjacent to the Mill Creek. Approximately two-thirds of the property has been developed as open space with two small ponds, walking trail and multiple tree plantings. This work was done by the original development group of the Magnolia Falls Subdivision. The remaining portion of the property is wooded area with the Mill Creek running through the space from east to west. Old Mill Creek Road serves as the property boundary on the east and south sides of the property, and the Magnolia Falls Subdivision creates the northern and western borders of the property. The property is officially listed as Lot 232 Magnolia Falls Plat 2 (attachment A).

After the initial discussions with Beacon Street Properties, LLC, park staff evaluated the potential of the property and determined that the property could meet the need for a neighborhood park in this area of the city. As identified in the 2013 Neighborhood Parks Plan (attachment B), the property is located between a primary priority park acquisition service area (#5) and a secondary priority park acquisition service area (#15). The 2013 Trails Plan also identifies the property as a portion of the future route of the Mill Creek Trail. The trail is listed as a proposed tertiary trail in the 2013 Trails Plan (attachment C).

If accepted as a park property, park staff would recommend the development of amenities at this site as a potential project for the 2015 Park Sales Tax ballot issue. Staff is recommending that the Council accept a conveyance in fee simple for the donation of Lot 232 Magnolia Falls Plat 2 by Beacon Street Properties, LLC.

FISCAL IMPACT:

Park staff anticipates total costs to accept the property and deed the land to the City of Columbia would be approximately \$600.00 and on-going costs to maintain the property would be \$2,000.00 annually. Initial maintenance activities would include mowing the property and minimal forestry work on the site.

VISION IMPACT:

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

12.1 Goal: A variety of attractive, well-maintained parks throughout Columbia including neighborhood parks, regional parks, nature parks, and urban parks-will ensure all residents have access to a full range of outdoor and indoor recreational opportunities.

12.3 Goal: An extensive network of greenways will play a significant role in providing transportation options, protecting wildlife corridors, watersheds and floodplains, and increasing public access to natural open spaces.

SUGGESTED COUNCIL ACTIONS:

Approve the legislation accepting the conveyance and donation of the property.

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/Expands 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?	Yes
One Time	\$600.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12.1
Operating/ Ongoing	\$2,000.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	12.3
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

