

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 127-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 5/18/2015

Re: Agreement with Red Oak Investment Company for Donation of Real Estate

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Map, Recommendation from City Arborist

Executive Summary

Authorizing the City Manager execute an agreement for donation of real estate with Red Oak Investment Company for 1.8 acres of tree preservation located within a commercial subdivision in the Grindstone Corridor.

Discussion

Red Oak Investment Company has offered to donate 1.8 acres of a tree preservation area, located in the Grindstone Corridor, to the City of Columbia. The property is located on Grindstone Parkway, near Green Meadows Road (see attached diagram). The City's Arborist believes this tract of land to be a benefit to the City offering natural aesthetics within the Grindstone Corridor. The City's Public Works department has agreed to maintain the lot.

Fiscal Impact

Short-Term Impact: Very minimal upkeep (mowing)

Long-Term Impact: Very minimal upkeep (mowing)

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Community Character, Community Facilities and Services

Strategic Plan Impact: Growth Management, Health, Safety and Wellbeing

Comprehensive Plan Impact: Land Use & Growth Management, Environmental Management

Suggested Council Action

Authorize the City Manager execute an agreement for donation of real estate with Red Oak Investment Company for 1.8 acres of tree preservation located within a commercial subdivision in the Grindstone Corridor.

City of Columbia

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Legislative History

None

A handwritten signature in cursive script, appearing to read "John D. Hurd".

Department Approved

A handwritten signature in cursive script, appearing to be a stylized name.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 127-15

AN ORDINANCE

authorizing an agreement for donation of real estate with Red Oak Investment Company for property located along Grindstone Parkway and east of Green Meadows 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 for donation of real estate with Red Oak Investment Company for property located along Grindstone Parkway and east of Green Meadows Road. The form and content of the agreement shall be substantially in the same form as set forth in "Exhibit A" attached hereto.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

AGREEMENT FOR DONATION OF REAL ESTATE

This Agreement dated this _____ day of _____, 2015, by and between the City of Columbia, Missouri, a municipal corporation (hereinafter "City") and Red Oak Investment Company, a Missouri corporation (hereinafter "Donor").

WITNESSETH:

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

1. Donor agrees to donate and convey to City and City agrees to accept the donation of the following described real estate:

Lot 1 of the Final Plat of Red Oak South Plat No. 1 as shown by the plat recorded in Plat Book 48, Page 32, Boone County Records, Boone County, Missouri.

subject to the following terms and conditions set forth herein:

2. Title to the property shall be conveyed by a general warranty deed and shall transfer fee simple title free of all liens and encumbrances. Merchantable title shall be defined by the title standards of the Missouri Bar.
3. City shall obtain a commitment for title insurance issued by a title company selected by City. The commitment must obligate the title company to issue a title insurance policy to City at closing which insures that the real estate described above is free and clear of all liens and encumbrances. City shall pay the cost of the policy premium.
4. In the event Donor is unable or unwilling to cure any defect in title, City shall have the option of accepting the property as is or rejecting the donation and declaring this Agreement void.

5. In order to establish whether any environmental contamination or hazard exists on any portion of the property, 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 property, the closing date shall be delayed for a reasonable period of time (not to exceed one hundred twenty days). Within this period of time, City, at its expense, shall arrange for additional environmental tests and studies to establish to City's satisfaction that there is no environmental contamination of the soil or groundwater on the property which would impose any liability under any federal or state law for remediation of the condition by City if City acquires the property. If such tests reveal or recognize environmental condition or contamination on the property that requires remediation under federal or state law, City shall so notify Donor. Within ten (10) days of receipt of such notice, Donor must notify City whether or not Donor will remediate the contamination. If Donor fails to notify City within the ten (10) days, Donor shall conclusively be presumed to have decided not to remediate the contamination. If Donor decides not to remediate the contamination, City shall have the option of either accepting the property as is or declaring this Agreement void. Donor represents and warrants that neither Donor nor, to the knowledge of Donor, anyone else who has been an owner of the property has used, disposed of, or released any pollutants, contaminants, hazardous or toxic substances or hazardous or solid wastes, petroleum (including crude oil or any fraction thereof), natural gas or synthetic gas, including mixtures thereof, whether liquid or not, or asbestos upon the property in violation of any law or regulation of any local, state or federal agency.
6. This transaction shall be closed on or before August 1, 2015, or at such other times as the parties may agree, at Boone Central Title Company, Columbia, Missouri, at which time title and possession shall be transferred to City. City shall pay all costs of closing.
7. Real estate taxes for the year 2015 shall be prorated and Donor's portion of the taxes shall be paid to City at time of closing.
8. The book value of the property on the books and records of Donor is \$76,520.00.
9. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, successors and assigns of the parties.
10. This Agreement is contingent upon the approval of the City Council of Columbia, Missouri.

Notary Public

My commission expires: _____.

DONOR:

RED OAK INVESTMENT COMPANY

By: Ted Stephenson

Name: TED STEPHENSON

Title: PRESIDENT

ATTEST:

By: David L. Knight

Name: DAVID L. KNIGHT

Title: ASSISTANT CORPORATE SECRETARY

STATE OF Missouri)
) ss
COUNTY OF Boone)

On this 23rd day of April, 2015, before me, a Notary Public in and for said state, personally appeared, TED STEPHENSON, to me personally known, who being by me duly sworn did say that he/~~she~~ is PRESIDENT of Red Oak Investment Company, a Missouri corporation, and that this instrument was signed on behalf of said corporation and further acknowledged that he/she executed the same as his/her free act and deed for the purpose therein stated and has been duly granted the authority by said corporation to execute the same.

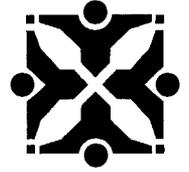
IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal the day and year first above written.

Wickie L. Griffin
Notary Public

My commission expires: July 24, 2015.

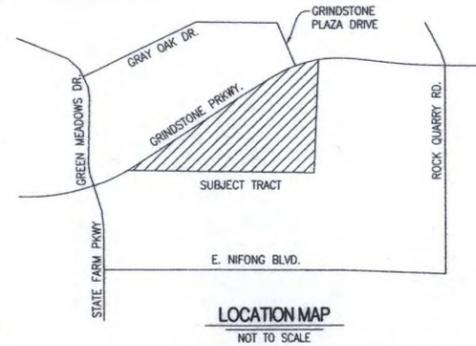


VICKIE L. GRIFFIN
My Commission Expires
July 24, 2015
Audrain County
Commission #11146668



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

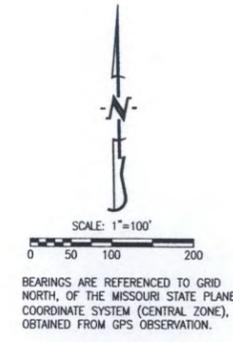
Map, Recommendation from the City Arborist



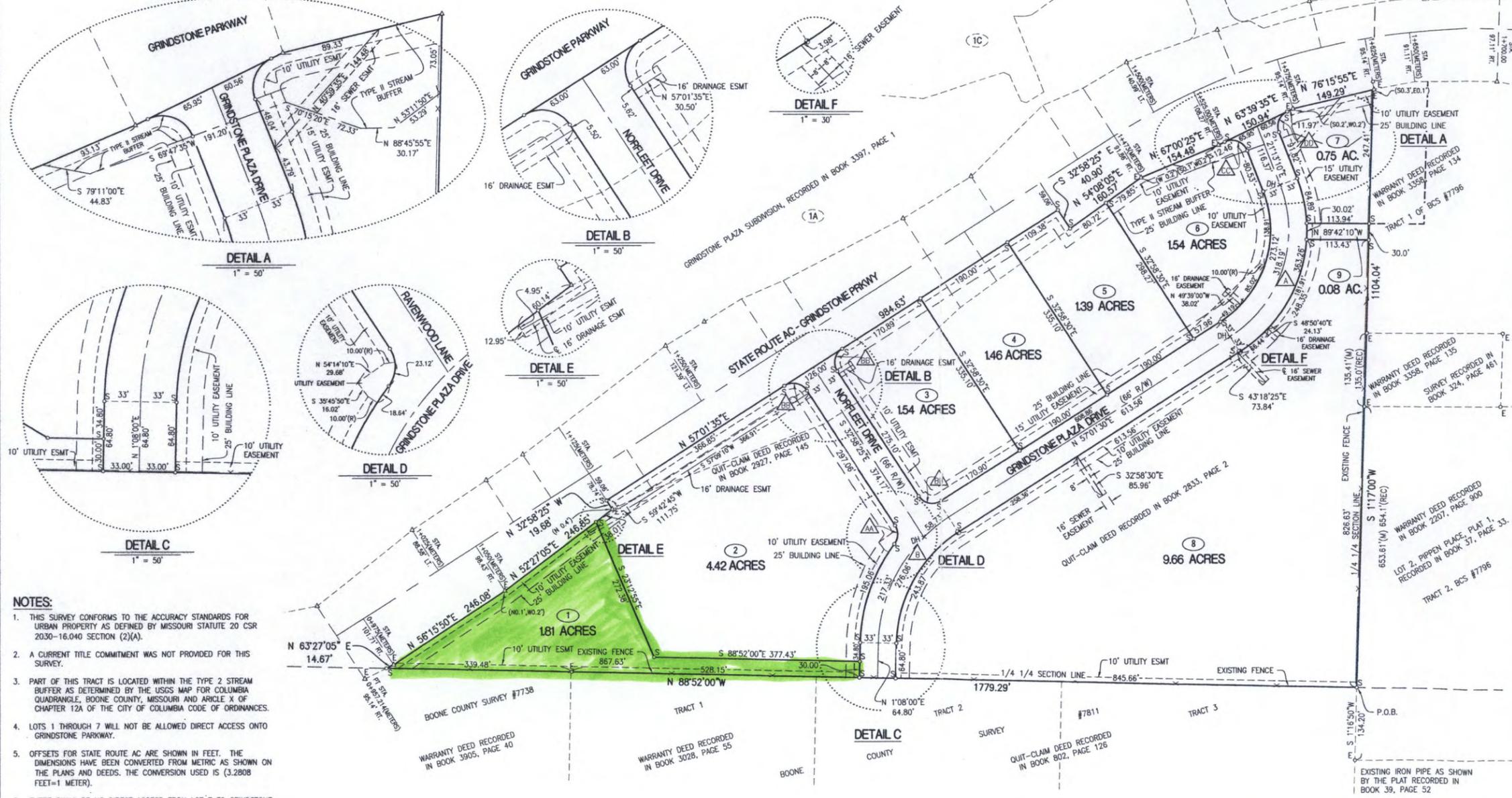
| CURVE | L | R | Δ | CHOST |
|-------|---------|---------|-----------|---------|
| A | 318.19' | 233.00' | 78°14'35" | 294.03' |
| B | 276.06' | 283.00' | 55°53'30" | 265.25' |
| AA | 36.38' | 30.00' | 69°28'30" | 34.19' |
| BB | 47.12' | 30.00' | 90°00'05" | 42.43' |
| CC | 49.80' | 30.00' | 95°07'15" | 44.28' |
| DD | 44.44' | 30.00' | 84°52'45" | 40.49' |

FINAL PLAT RED OAK SOUTH, PLAT NO. 1

A MAJOR SUBDIVISION LOCATED IN THE NW 1/4 OF THE
SW 1/4 SECTION 30, TOWNSHIP 48 NORTH, RANGE 12
WEST, COLUMBIA, BOONE COUNTY, MISSOURI
JULY 2, 2012



- LEGEND:**
- E EXISTING
 - S SET
 - 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
 - △ RIGHT-OF-WAY MARKER
 - ◊ PERMANENT MONUMENT
 - DRILL HOLE
 - (REC) RECORD DISTANCE
 - (M) MEASURED DISTANCE
 - P.O.B. POINT OF BEGINNING



- NOTES:**
- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI STATUTE 20 CSR 20.30-16.040 SECTION (2)(A).
 - A CURRENT TITLE COMMITMENT WAS NOT PROVIDED FOR THIS SURVEY.
 - PART OF THIS TRACT IS LOCATED WITHIN THE TYPE II STREAM BUFFER AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI AND ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.
 - LOTS 1 THROUGH 7 WILL NOT BE ALLOWED DIRECT ACCESS ONTO GRINDSTONE PARKWAY.
 - OFFSETS FOR STATE ROUTE AC ARE SHOWN IN FEET. THE DIMENSIONS HAVE BEEN CONVERTED FROM METRIC AS SHOWN ON THE PLANS AND DEEDS. THE CONVERSION USED IS (3.2808 FEET=1 METER).
 - THERE SHALL BE NO DIRECT ACCESS FROM LOT 7 TO GRINDSTONE PLAZA DRIVE AND GRINDSTONE PARKWAY. LOT 9 IS INTENDED TO BE GRANTED AS SHARED ACCESS.

FLOOD PLAIN STATEMENT:
THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE FLOOD MAP PANEL NUMBER 29019C0290D, DATED MARCH 17, 2011.

CERTIFICATION:
I HEREBY CERTIFY THAT IN JUNE 2012, I COMPLETED A SURVEY FOR RED OAK INVESTMENT CO., INC. OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 2833, PAGE 2, AND THE QUIT-CLAIM DEED RECORDED IN BOOK 2927, PAGE 145, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF BOONE COUNTY SURVEY #7811, AND WITH THE NORTH LINE AND THE NORTH LINE EXTENDED OF SAID SURVEY, N 88°52'00"W, 1779.29 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROUTE AC; THENCE LEAVING SAID NORTH LINE AND WITH SAID SOUTH RIGHT-OF-WAY LINE, N 63°27'05"E, 14.67 FEET; THENCE N 56°15'50"E, 246.08 FEET; THENCE N 52°27'05"E, 246.85 FEET TO THE WEST LINE OF THE TRACT OF LAND DESCRIBED IN SAID QUIT-CLAIM DEED RECORDED IN BOOK 2927, PAGE 145; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND WITH THE LINES OF SAID QUIT-CLAIM DEED, N 32°58'25"W, 19.68 FEET; THENCE N 57°01'35"E, 984.63 FEET, THENCE S 32°58'25"E, 40.90 TO SAID SOUTH RIGHT-OF-WAY LINE OF STATE ROUTE AC; THENCE LEAVING THE LINES OF SAID QUIT-CLAIM DEED AND WITH SAID SOUTH RIGHT-OF-WAY LINE, N 54°08'05", 160.57 FEET; THENCE N 67°00'25"E, 154.48 FEET; THENCE N 63°39'35"E, 150.94 FEET; THENCE N 78°15'55"E, 149.29 FEET TO THE WEST LINE OF BOONE COUNTY SURVEY #7796; THENCE LEAVING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE ROUTE AC AND WITH THE WEST LINE OF SAID SURVEY, S11°17'00"W, 1104.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.30 ACRES.

THIS SURVEY WAS MADE IN CONFORMANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

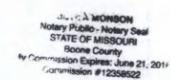
SURVEY AND PLAT BY:
CROCKETT ENGINEERING CONSULTANTS, LLC
2608 NORTH STADIUM BLVD.
COLUMBIA, MO 65202
CORPORATE NUMBER: 2000151304



David T. Butcher
DAVID T. BUTCHER, PLS-2002014095
8/9/2012
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }
SUBSCRIBED AND AFFIRMED BEFORE ME THIS 9TH DAY OF August, 2012.

Beth A. Monson NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 21, 2016
BETH A. MONSON COMMISSION NUMBER 12358522



KNOW ALL MEN BY THESE PRESENTS:
THAT RED OAK INVESTMENT CO., INC. IS THE SOLE OWNER OF THE HEREON DESCRIBED TRACT AND THAT SAID CORPORATION HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE STREET RIGHT OF WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE PUBLIC USE FOREVER. THE EASEMENTS AS SHOWN, ARE HEREBY DEDICATED TO THE PUBLIC USE FOREVER. THE ABOVE DRAWING AND DESCRIPTION SHALL HEREAFTER BE KNOWN AS "RED OAK SOUTH, PLAT NO. 1"

IN WITNESS WHEREOF, RED OAK INVESTMENT CO., INC. HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT THIS 9TH DAY OF August, 2012.

RED OAK INVESTMENT CO., INC.
Paul Stephenson
PAUL STEPHENSON, PRESIDENT

STATE OF MISSOURI } SS
COUNTY OF BOONE }
SUBSCRIBED AND AFFIRMED BEFORE ME THIS 9TH DAY OF August, 2012.

Beth A. Monson NOTARY PUBLIC
MY COMMISSION EXPIRES JUNE 21, 2016
BETH A. MONSON COMMISSION NUMBER 12358522



ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS 4TH DAY OF September, 2012.

Robert McDavid ROBERT MCDAVID, MAYOR
Sheela Amin SHEELA AMIN, CITY CLERK

Recorded in Boone County, Missouri
Date and Time: 09/05/2012 at 01:38:28 PM
Instrument #: 2012021950 Book: 46 Page: 32
Grantor: RED OAK INVESTMENT CO INC
Grantee: RED OAK SOUTH PLAT NO 1

Instrument Type: PLAT
Recording Fee: \$89.00 S
No. of Pages: 1
Betie Johnson
Betie Johnson, Recorder of Deeds



Wendy Lister <wmlister@gocolumbiamo.com>

Re: Red Oak Development

1 message

Chad Herwald <cmherwal@gocolumbiamo.com>
To: Wendy Lister <wmlister@gocolumbiamo.com>

Tue, Mar 3, 2015 at 8:29 AM

Wendy,

I am familiar with the site.

It is in my professional opinion that it would be beneficial for the City to receive this Tree Preservation area.

This Tree Preservation area offers a certain natural aesthetics with in the Grindstone Corridor.

Thanks Chad

On Mon, Mar 2, 2015 at 2:08 PM, Wendy Lister <wmlister@gocolumbiamo.com> wrote:

Chad,

Attached please find letters and a copy of the plat from Dave Knight, attorney for Red Oak Development asking if the City will accept the donation of Lot 1 Red Oak South Plat No. 1 - its their tree preservation area.

I am writing to ask you if you are familiar with the site and if it would be a good fit for the City or just an added maintenance black hole. If you are not familiar with this site would you be available to make a site visit?

Wendy

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Wendy M. Lister
Property Acquisition Manager
City of Columbia, Public Works Department
701 E. Broadway
Columbia, MO 65201
573.874.7272

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Chad Herwald
City Arborist
Columbia, MO
573-874-6357