

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 309-12

AN ORDINANCE

authorizing a contract for sale of real estate with Helen M. Jackman for the purchase of property located at 20 East Worley Street; appropriating funds; 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 a contract for sale of real estate with Helen M. Jackman for the purchase of property located at 20 East Worley Street. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. The sum of \$122,000.00 is hereby appropriated from the Stormwater Retained Earnings Account No. 558-0000-351.01-00 to the Jackman Property 20 E Worley Project Account No. 558-6688-881.49-90, C49107.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2012.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

CERTIFICATION: I certify there are sufficient funds available in the Stormwater Retained Earnings Account No. 558-0000-351.01-00 to cover the above appropriation.

Director of Finance

CONTRACT FOR SALE OF REAL ESTATE

This agreement is dated this _____ day of _____, 2012, by and between the City of Columbia, Missouri, a municipal corporation (hereinafter referred to as "CITY") and Helen M. Jackman, a single person (hereinafter referred to as "Seller").

WITNESSETH:

1. City agrees to buy and Seller agrees to sell the following described real property being: Part of Lots 2 and 3 of a Survey recorded in Book 328, Page 686, Records of Boone County, Missouri, said Lots 2 and 3 being a part of Lot 10 of BERGEN'S ADDITION AND A PART OF Worley Street vacated, said tract being more particularly described as follows: Lot 2 except a triangular strip at the Southeast corner described as beginning at the Southeast corner of Lot 2: thence West on the South line of Lot 2, 10.86 feet: thence right 90° 51.02 feet to the East line of Lot 2: thence Southeasterly to the point of beginning. Included in the tract is a triangular strip at the Northwest corner of Lot 3 described as follows: Starting at the Northwest corner of Lot 3; thence East on the North line of Lot 3, 5 feet: thence right 90° 23.31 feet to the West line of Lot 3; thence Northwesterly to the point of beginning on the following terms and conditions set out herein.
2. The purchase price for the property shall be Eighty seven thousand dollars (\$87,000.00) payable to Sellers at closing.
3. Merchantable title of record and in fact shall be conveyed by warranty deed, free and clear of all encumbrances, except as hereinafter provided.
4. Sellers shall obtain a commitment to title insurance issued by a title insurance company acceptable to City. The commitment must obligate the title insurance company to issue a title insurance policy to the City at closing which insures that Sellers' title is free and clear of encumbrances. The amount of the title insurance shall be the purchase price. The premium shall be paid by the Seller at closing.

The title insurance commitment must describe any exceptions to the policy, which will be issued immediately at closing.

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 the 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 Seller. Within ten (10) days of receipt of such notice, Sellers must notify City whether or not Sellers will remediate the contamination. If Sellers fail to notify City within the ten (10) days, Sellers shall conclusively be presumed to have decided not to remediate the contamination. If Sellers decide not to remediate the contamination, City shall have the option of either purchasing the property or declaring this agreement void.
6. This transaction shall be closed on or before December 31, 2012 or at such other time when the parties may agree at the office of the City Counselor, City of Columbia, Second Floor Daniel Boone/City Hall Addition Building, 701 East Broadway, Columbia, MO 65201, at which time title to the property shall be delivered to City and all monies and papers shall be delivered and transferred.
7. Real estate taxes for the year 2012 shall be prorated and Sellers' portion of said taxes shall be withheld from the purchase price at closing.
8. This agreement shall be binding upon and inure to the benefit of the heirs, administrators, successors and assigns of the parties.

IN WITNESS WHEREOF, the parties hereto have been duly authorized to execute this contract as of the day and year first above written.

CITY:

CITY OF COLUMBIA, MISSOURI

BY:

Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

CERTIFICATION: I hereby certify that this contract is within the purpose of the appropriation to which it is to be charged, Account No. 558-6688-881,44-90 C49107 and that there is an unencumbered balance to the credit of such appropriation sufficient to pay therefor.

John Blattel, Director of Finance

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this _____ day of _____, 2012 before me appeared Mike Matthes, to me personally known, who, being by me duly sworn, did say that he is the City Manager of the City of Columbia, Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of the City and that this instrument was signed and sealed on behalf of the City by authority of its City Council and the City Manager acknowledged this instrument to be the free act and deed of the City.

IN TESTIMONY WHEREOF, I have hereunto set by hand and affixed my official seal, at my office in Columbia, Boone County, Missouri, the day and year first above written.

Notary Public

SELLERS: Helen M. Jackman

Helen M. Jackman
Helen M. Jackman

STATE OF Missouri

)

) ss

COUNTY OF Boone

)

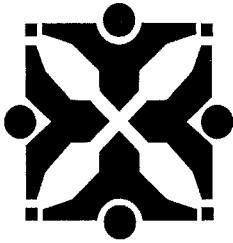
On this 18th day of OCT., 2012, before me, a Notary Public in and for said state, personally appeared, Helen M. Jackman, a single person, known to me to be the person who executed the above Contract for Sale of Real Estate and acknowledged to me that she executed the same for the purposes therein stated.

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

Wendy Moreno Lister
Notary Public

My commission expires: 11/30/15.

WENDY MORENO LISTER
Notary Public - Notary Seal
Boone County, STATE OF MISSOURI
My Commission Expires November 30, 2015
Commission #11434957



Source: Public Works

Kem/Gohn

Agenda Item No:

To: City Council

From: City Manager and Staff

MM

Council Meeting Date: Nov 5, 2012

Re: Land Acquisition - 20 E. Worley Street

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an Ordinance authorizing the City Manager to execute a Contract for Sale of Real Estate to acquire property at 20 E. Worley Street, and appropriate funds from the Stormwater Utility in the amount of \$122,000 (\$87,000 to purchase the home and \$35,000 for modification and/or removal of the structure).

DISCUSSION:

Since 1974, the Public Works department has received many complaints regarding basement flooding at 20 E. Worley Street. Early on, it was thought that storm drain capacity on Worley Street was inadequate. Accordingly, the storm drainage system on Worley Street in front of this property was improved in 1974. The drainage system was further enhanced in the late 1980's in conjunction with a Worley Street improvement project. Unfortunately, 20 E. Worley Street continues to experience basement flooding.

This property is located in the flood plain (see attached diagram) and it appears the house was constructed where the drainage way used to run. The home is equipped with a sump pump in the basement. Most of the water enters the house through the sump pump pit. It appears that the ground water is concentrating in the sediment and gravel of the old channel, and being delivered into the building envelope through the sump pump pit. Surface water also enters the home through ground level windows and the basement door.

In order to protect the house from flooding, it will either need to be removed or modifications will need to be made, such as filling in the basement. Staff is continuing to evaluate the viability of house modifications. The most likely scenario is that the house will have to be removed at a cost of \$35,000.

Removing or modifying the home will also have a significant benefit for the sanitary sewer system. Each time this home floods, it puts a significant amount of water (inflow) into that sanitary sewer system via floor drains. The drainage basin in which this home is located has the second highest inflow and infiltration ratio in the City.

FISCAL IMPACT:

Staff is appropriating \$122,000 from the Stormwater Utility, which includes \$87,000 to purchase the home and \$35,000 for other associated costs related to modification or removal of the structure.

VISION IMPACT:

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

Columbia and its neighboring communities will be a place where the air, water, land and natural aesthetic qualities of our environment shall be protected by a combination of conservation strategies including, but not limited to regulations and ordinances.

SUGGESTED COUNCIL ACTIONS:

Approval of this ordinance authorizing the City Manager to execute a contract for sale of real estate to acquire property at 20 E. Worley Street, and appropriate funds.

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	\$122,000.00	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	\$122,000.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	9.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

