

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 371-12

AN ORDINANCE

authorizing a contract for sale of real estate with the David-Beverly Jones Revocable Living Trust for the acquisition of property adjacent to the H.J. Waters and C.B. Moss Memorial Wildlife Nature Area; 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 the David-Beverly Jones Revocable Living Trust for the acquisition of property adjacent to the H.J. Waters and C.B. Moss Memorial Wildlife Nature Area. 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. 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

David L. Jones, Beverly L. Jones



CONTRACT FOR SALE OF REAL ESTATE

This agreement is dated this 6th day of December, 2012, by and between the City of Columbia, Missouri, a municipal corporation (hereinafter referred to as "City") and David L. Jones and Beverly L. Jones, Co-trustees of the David-Beverley Jones Revocable Living Trust u/a dated January 22, 2004 (hereinafter referred to as "Seller").

WITNESSETH:

1. City agrees to buy and Seller agrees to sell the following described real property located at 2016 Hillcrest Drive in Columbia, Boone County, Missouri more particularly described as follows:

a.) A tract of land in the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Forty-Eight (48), Range Twelve (12) West as shown in survey recorded in Book 333, Page 56, Boone County Missouri.

Together with the perpetual easement for roadway purposes described in the deed recorded in Book 334, Page 63, Deed Records of Boone County, Missouri.

b.) A tract of land shown in survey of A.W. Tharpe completed on February 27, 1968 and recorded in Book 374 at Page 350 of Boone County Records and described therein as follows:

A small tract of land located in the NE 1/4 of Section 19, Township 48 N, Range 12 West and being more particularly described as follows:

Starting at the SE corner of a survey recorded in Book 333, page 56 of the Boone County, Missouri records go N 53 deg.05 min E 107.5 feet; thence go N 9 deg. 38 min. W. 136.5 feet; thence go West 62.0 feet; thence go south 209.0 feet to the point of beginning of said survey. Said tract contains .33 acres more or less.

c.) 4.02 acres more or less, part of the Northeast Quarter of Section 19, Township 48 North, Range 12 West more particularly described as Tract "B" of a Survey recorded in Book 400 Page 565 of the Boone County Records.

ALSO an easement for ingress and egress purposes upon, over, and across a 35 ft. road easement as shown and described in the above mentioned survey.

d.) All of the Grantor's right, title, and interest in and to the Waterline Easement entered into between The Conservation Commission of the State of Missouri as Grantor and David L. Jones and Beverly L. Jones as Grantees dated May 17, 1984.

Together with all appurtenant easements and subject to easements and restrictions of record.

2. The purchase price for the property shall be One Hundred Seventy-Nine Dollars (\$179,000.00) payable to Seller at closing.
3. Merchantable title of record and in fact shall be conveyed by Seller's trustee's general warranty deed, free and clear of all encumbrances, except as hereinafter provided.
4. City shall obtain a commitment to title insurance issued by a title insurance company acceptable to Seller. The commitment must obligate the title insurance company to issue a title insurance policy to the City at closing which insures that Seller's title is free and clear of encumbrances. The amount of the title insurance shall be the purchase price. The premium shall be paid by City 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. 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, Seller must notify City whether or not Seller will remediate the contamination. If Seller fails to notify City within the ten (10) days, Seller shall conclusively be presumed to have decided not to remediate the contamination. If Seller decides 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 February 15th 2013, or at such other time when the parties may agree at the office of the City Counselor, City of Columbia, Second Floor of the City Hall 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. City shall pay all closing costs.
- 7. Real estate taxes for the year 2013 shall be prorated and Seller shall remit their portion of said taxes to City at closing.
- 8. This agreement shall be binding upon and inure to the benefit of the heirs, administrators, successors and assigns of the parties.

[SIGNATURES ON FOLLOWING PAGES]

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

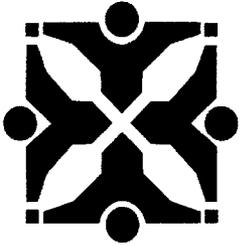
SELLER:

DAVID L. JONES and/or BEVERLY L. JONES
REVOCABLE LIVING TRUST U/T/A
DATED January 22, 2004

By:

David L. Jones (Beverly L. Jones)
David L. Jones, P.O.A.
Trustee

Beverly L. Jones
Beverly L. Jones,
Trustee



Source: Parks and Recreation *AK*

Agenda Item No:

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

Council Meeting Date: December 17, 2012

Re: Acquisition of Land Adjacent to the H.J Waters and C.B. Moss Memorial Wildlife Nature Area

EXECUTIVE SUMMARY:

The Park and Recreation Department is requesting approval to proceed with the acquisition of approximately 5.3 acres of land located within the boundaries of the City managed H.J. Waters and C.B. Moss Memorial Wildlife Nature Area (see attached map). Staff has prepared an ordinance authorizing the City Manager to execute the attached Contract for Sale of Real Estate with the current property owner, the David L. Jones and Beverly L. Jones Revocable Living Trust. The proposed purchase price is \$179,000. Funding for this project is available from resources set aside from the 2005 Park Sales Tax for land acquisition.

DISCUSSION:

In mid-October of 2012, Park and Recreation staff were approached by a representative of David and Beverly Jones regarding the possibility of the City acquiring a 5.3 acre tract of land located at 2016 Hillcrest Drive. The 5.3 acre tract, which has served as the Jones' family home for over forty years, is surrounded on three sides by portions of the 110 acre Waters-Moss Memorial Wildlife Nature Area and fronts on Old Highway 63. The Water-Moss property is owned by the Missouri Department of Conservation, but was leased to the City of Columbia for a period of 99 years in January of 2009 with the understanding that it would be managed for public recreation opportunities as well as preservation of open space and natural areas. The Waters-Moss Nature area is located immediately east of the City's 200 acre Grindstone Nature Area creating a total of over 300 acres of preserved open space along the Hinkson and Grindstone Creeks. The acquisition of the Jones property would preserve an additional five acres of open space and eliminate a private in-holding within the publicly controlled lands. This will reduce the likelihood of maintenance and management conflicts between parks users and a private land owner, and would offer the opportunity to better plan and develop recreation facilities on the Waters-Moss site. The 5.3 acre Jones property does include a two story ranch style house built in the early 1960's. If the property is acquired by the City, staff will evaluate the house to determine possible future uses for recreation purposes.

Park and Recreation staff are currently developing a proposed master plan for the Waters-Moss Wildlife Nature Area. Should Council approve the acquisition of the Jones property, staff will adjust the preliminary plans to include the additional acreage and coordinate any proposed developments planned for the larger site. With the exception of the house and surrounding yard space, the 5.3 acre tract is heavily wooded and has a relatively steep topography. It is likely that the majority of 5.3 acre site will simply be preserved as open space with the possible development of nature trails to allow public exploration.

As part of the property negotiations, City staff had an appraisal prepared to assist in determining the value of the property. The City's appraisal, completed by Thomas Shryock of Moore and Shryock, LLC, established a range of value for the property as being between \$171,600 and \$181,300 with a final estimated value of \$175,000. Upon conclusion of the negotiations between the property owner and City staff, both parties agreed to a purchase price of \$179,000. Staff is recommending that the City Council approve the Contract for Sale for the 5.3 acres at the agreed upon price of \$179,000.

FISCAL IMPACT:

The proposed purchase price for this property is \$179,000. Monies that were set aside from the 2005 park sales for land acquisition are available to fund this purchase. The available funds are a result of the purchase of the new community park adjacent to Battle High School being less than the original amount initially reserved for that acquisition. Site will be maintained as part of the natural area of the 110 acre Waters-Moss Memorial Wildlife Nature Area and as such should have only limited impact on the Department's maintenance and operation budget.

VISION IMPACT:

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

The acquisition of this property helps address vision goal 12.1 which identifies the need for the City to acquire and develop a variety of attractive, well maintained parks throughout Columbia, including neighborhood parks, regional parks, nature parks, and urban parks to ensure all residents have access to a full range of outdoor and indoor recreational opportunities.

The proposed acquisition also addresses vision goal 5.2 which identifies the need to preserve land throughout Columbia and Boone County in order to protect farmland, scenic views, natural topographies rural atmosphere, watersheds, healthy streams, natural areas, native species, and unique environmentally sensitive areas, resulting in an enhanced quality of life.

SUGGESTED COUNCIL ACTIONS:

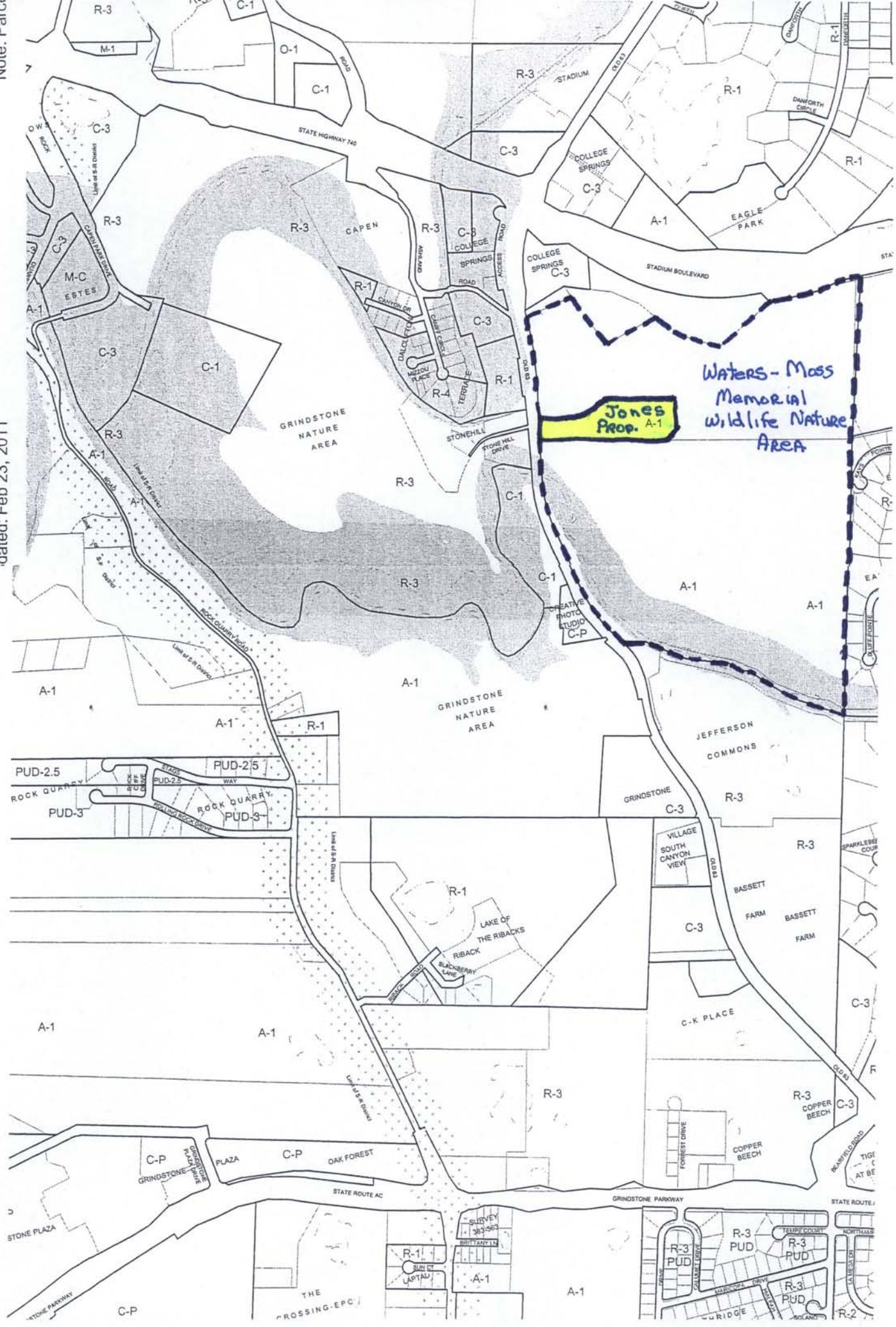
Approve the ordinance authorizing the City Manager to sign the Contract for Sale of Real Estate and execute all other documents necessary to complete the acquisition.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$179,000.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$179,000.00	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?	Yes
One Time	\$179,000.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	12.1
Operating/ Ongoing	\$4,000.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	5.2
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	

Note: Parcel boundaries are property of Boone County

dated: Feb 23, 2011

Note: Parc

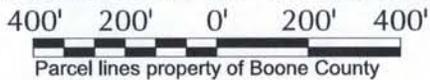




WATERS-MOSS WILDLIFE AREA
110.3 Acres
Undeveloped park land

WATERS-MOSS MEMORIAL WILDLIFE AREA

2104 Hillcrest Dr



Boone County Internet Parcel Map

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



Boone County Assessor's Office

0 220'

Map Generated: 9/29/2012 4:15 PM

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.