AN ORDINANCE

authorizing the City Manager to accept a donation of land located between Godas Circle and Kassem Drive; providing that the land shall be used for parks, trails and greenbelt purposes; directing the City Clerk to have a copy of the deed recorded; and fixing the time when this ordinance shall become effective.

SECTION 1. The City Manager is authorized to accept a donation of land from Maverick Excavating, Inc. located between Godas Circle and Kassem Drive, more particularly described as follows:

Two (2) parcels of land located in the Southwest quarter (1/4) of Section 3, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said parcels being part of Tract 1-B of the tract split survey as recorded in Book 1281 at Page 740 of the Boone County Records; said parcels being further described as follows:

Starting, for the first parcel, at the center of said Section 3, said center also being the northeast corner of said Tract 1-B; thence along the east line of said Tract 1-B, said line also being the north-south quarter (1/4) line, S.0°08'00"E., 837.95 feet to the southeast corner of said Tract; thence along the southeasterly line of said Tract S.59°51'25"W., 743.71 feet to the south corner of Thessalia Subdivision - Plat 5 as recorded in Plat Book 34 at Page 105 of said Boone County Records, the POINT OF BEGINNING; thence with the lines of said Plat 5 N.38°59'00"W., 394.28 feet; along a non-tangent curve to the left having a radius of 190.00 feet a distance of 49.47 feet (the chord of said curve having bearing and distance of N.43°33'30"E., 49.33 feet); N.55°54'10"W., 738.66 feet; N.66°14'40"W., 179.32 feet to the southwest corner of said Plat 5 on the east line of Thessalia Subdivision - Plat 3 as recorded in Plat Book 32 at Page 19 of said Boone County Records; thence along the lines of said Plat 3 S.48°44'00"E., 356.92 feet; thence continuing along
the lines of said Plat 4 and Tract 1-B S.41°16'00"W., 30.00 feet; S.48°44'00"E., 315.26 feet; N.50°06'00"E., 213.34 feet; S.33°38'00"E., 202.00 feet; S.75°48'00"E., 45.00 feet; thence N.44°55'00"E., 185.00 feet; thence N.31°50'00"E., 97.00 feet; N.59°45’30"E., 88.27 feet; N.59°51’25"E., 56.23 feet to the POINT OF BEGINNING.

AND

BEGINNING, for the second parcel, at the center of said Section 3, said center also being the northeast corner of said Tract 1-B and Thessalia Subdivision - Plat 7 as recorded in Plat Book 39 at Page 2 of said Boone County Records; thence along the east line of said Tract 1-B, said line also being the north-south quarter (1/4) line and the east line of said Plat 7, S.0°08'00"E., 837.95 feet to the southeast corner of said Tract; thence along the southeasterly line of said Plat S.59°51’25"W., 476.94 feet to the east corner of Thessalia Subdivision - Plat 5 as recorded in Plat Book 34 at Page 105; thence along the lines of said Plat 5 and Plat 7 N.28°52'00"W., 275.95 feet; N.36°35'00"W., 250.00 feet; N.48°33’30"W., 508.37 feet; N.7°43’20"W., 260.27 feet to the northeast corner of said Plat 5 and the northwest corner of said Plat 7 on the east-west quarter (1/4) section line; thence along said line, said line also being the north line of said Plat 7 N.87°54’00"E., 1,109.51 feet to the POINT OF BEGINNING.

SECTION 2. This land shall be used for parks, trails and greenbelt purposes.

SECTION 3. The City Clerk is authorized and directed to have a copy of the deed recorded in the office of the Boone County Recorder of Deeds.

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

PASSED this _________ day of ______________________, 2011.

ATTEST:

__________________________________________  ______________________________
City Clerk      Mayor and Presiding Officer

APPROVED AS TO FORM:

__________________________________________
City Counselor

2
Missouri Corporation Warranty Deed

This Indenture, Made on _____ day of ____________, 20__, by and between

Maverick Excavating, Inc., a Missouri corporation,
as GRANTOR, and

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

Property Address: 2.7 acre and 2.81 acre remainder tracts in Thessalia Subdivision, Columbia, MO 65202
Ballenger Lane, 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:

Two (2) parcels of land located in the Southwest quarter (1/4) of Section 3, Township 48 North, Range 12
West in the City of Columbia, Boone County, Missouri; said parcels being part of Tract 1-B of the tract split survey as recorded in Book 1281 at Page 740 of the Boone County Records; said parcels being further described as follows:

Starting, for the first parcel, at the center of said Section 3, said center also being the northeast corner of said Tract 1-B; thence along the east line of said Tract 1-B, said line also being the north-south quarter (1/4) line, S.0°08'00"E., 837.95 feet to the southeast corner of said Tract; thence along the southeasterly line of said Tract S.59°51'25"W., 743.71 feet to the south corner of Thessalia Subdivision - Plat 5 as
recorded in Plat Book 34 at Page 105 of said Boone County Records, the POINT OF BEGINNING; thence with the lines of said Plat 5 N.38°59'00"W., 394.28 feet; along a non-tangent curve to the left having a radius of 190.00 feet a distance of 49.47 feet (the chord of said curve having bearing and distance of N.43°33'30"E., 49.33 feet); N.55°54'10"W., 738.66 feet; N.66°14'40"W., 179.32 feet to the southwest corner of said Plat 5 on the east line of Thessalia Subdivision - Plat 3 as recorded in Plat Book 32 at Page 19 of said Boone County Records; thence along the lines of said Plat 3 S.2°06'25"E., 211.73 feet; S.6°32'55"W., 90.10 feet; S.15°02'25"W., 188.60 feet; S.29°37'50"W., 141.70 feet to the south corner of said Plat 3 on the northeasterly line of Thessalia Subdivision - Plat 1 as recorded in Plat Book 31 at Page 21 of said Boone County Records; thence along said line and the northeasterly line of Thessalia Subdivision - Plat 4 as recorded in Plat Book 34 at Page 39 of said Boone County Records S.48°44'00"E., 356.92 feet; thence continuing along the lines of said Plat 4 and Tract 1-B S.41°16'00"W., 30.00 feet; S.48°44'00"E., 315.26 feet; N.50°06'00"E., 213.34 feet; S.33°28'00"E., 202.00 feet; S.75°48'00"E., 45.00 feet; thence N.44°55'00"E., 185.00 feet; thence N.31°50'00"E., 97.00 feet; N.59°45'30"E., 88.27 feet; N.59°51'25"E., 56.23 feet to the POINT OF BEGINNING.

AND

BEGINNING, for the second parcel, at the center of said Section 3, said center also being the northeast corner of said Tract 1-B and Thessalia Subdivision - Plat 7 as recorded in Plat Book 39 at Page 2 of said Boone County Records; thence along the east line of said Tract 1-B, said line also being the north-south quarter (1/4) line and the east line of said Plat 7, S.0°08'00"E., 837.95 feet to the southeast corner of said Tract; thence along the southeasterly line of said Tract S.59°51'25"W., 476.94 feet to the east corner of Thessalia Subdivision - Plat 5 as recorded in Plat Book 34 at Page 105; thence along the lines of said Plat 5 and Plat 7 N.28°52'00"W., 275.95 feet; N.36°35'00"W., 250.00 feet; N.48°33'30"W., 508.37 feet; N.7°43'20"W., 260.27 feet to the northeast corner of said Plat 5 and the northwest corner of said Plat 7 on the east-west quarter (1/4) section line; thence along said line, said line also being the north line of said Plat 7 N.87°54'00"E., 1,109.51 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM, all of the real property as depicted on the following described plats: Thessalia Subdivision - Plat 6 as recorded in Plat Book 37 at Page 9 and Thessalia Subdivision - Plat 7 as recorded in Plat Book 39 at Page 2, all of the Boone County Records.
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 GRANTEE, the word GRANTEE will be construed to read GRANTEES whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The GRANTOR has caused these presents to be signed by its __________________________ and attested by its Secretary on the day and year above written.

Maverick Excavating, Inc., a Missouri corporation

Secretary

By Jon Primus, President

State of Missouri  } ss:
County Of Boone  }

On this _______ day of ____________, 20____, before me, appeared Jon Primus, President, to me personally known, who being by me duly sworn, did say that he/she is the _______________ of Maverick Excavating, Inc., a Missouri corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Jon Primus, President acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and Notary Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

__________________________
Notary Public

My Term Expires: ______________________
TO: City Council  
FROM: City Manager and Staff  
DATE: September 22, 2011  
RE: Maverick Excavating Donation: 2 Lots

EXECUTIVE SUMMARY:
The Department of Parks and Recreation is requesting authorization to accept the donation of two lots from Maverick Excavating Inc. These two lots are located in the Thessalia subdivision between Godas Circle and Kassem Drive (see attached map). These lots will allow the Department to eventually extend the Hominy Creek Trail from its current terminus at Clark Lane to Waterfront Drive.

DISCUSSION:
The City of Columbia currently owns a 1.78 acre lot located in the Thessalia subdivision. This lot, managed by the Parks and Recreation Department, has a stem access to Kassem Drive providing neighborhood connection to the future extension of the Hominy Creek Trail. Maverick Excavating Inc, is proposing to donate the two lots located on either side of the lot owned by the City. These two lots, 2.81 and 2.70 acres in size will create a continuous 7.29 acre tract allowing the Department to eventually extend the Hominy Creek Trail from The Links apartment/golf complex to Waterfront Drive. The extension of the Hominy Creek Trail is unfunded at this time.

The Boone County Regional Sewer District is requesting a 16-foot sewer easement along the eastern edge of the 2.70 acre donated lot. A separate ordinance has been submitted for Council consideration authorizing the City Manager to execute an agreement with the sewer district for this easement.

FISCAL IMPACT:
The acceptance of this donation has minimal fiscal impact as the two lots will be simply maintained as open space, natural area until the trail is extended at some point in the future.

VISION IMPACT:
12.4 Goal: An extensive, safe network of trails will accommodate a variety of users ranging from recreational to non-motorized travelers. This network may include roadway and public transportation infrastructure to connect parks, neighborhoods, schools, and businesses.

12.4.2 Strategy: Achieve trail connectivity in new and existing developments.

SUGGESTED COUNCIL ACTIONS:
Approve the ordinance accepting the donation.
Missouri Corporation Warranty Deed

This Indenture, Made on _____ day of ____________, 20____, by and between

Maverick Excavating, Inc., a Missouri corporation,
as GRANTOR, and

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

Property Address: 2.7 acre and 2.81 acre remainder tracts in Thessalia Subdivision, Columbia, MO 65202
Ballenger Lane, 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:

Two (2) parcels of land located in the Southwest quarter (1/4) of Section 3, Township 48 North, Range 12 West in the City of Columbia, Boone County, Missouri; said parcels being part of Tract 1-B of the tract split survey as recorded in Book 1281 at Page 740 of the Boone County Records; said parcels being further described as follows:

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recorded in Plat Book 34 at Page 105 of said Boone County Records, the POINT OF BEGINNING; thence with the lines of said Plat 5 N.38°59'00"W., 394.28 feet; along a non-tangent curve to the left having a radius of 190.00 feet a distance of 49.47 feet (the chord of said curve having bearing and distance of N.43°33'30"E., 49.33 feet); N.55°54'10"W., 738.66 feet; N.66°14'40"W., 179.32 feet to the southwest corner of said Plat 5 on the east line of Thessalia Subdivision - Plat 3 as recorded in Plat Book 32 at Page 19 of said Boone County Records; thence along the lines of said Plat 3 S.2°06'25"E., 211.73 feet; S.6°32'55"W., 90.10 feet; S.15°02'25"W., 188.60 feet; S.29°37'50"W., 141.70 feet to the south corner of said Plat 3 on the northeasterly line of Thessalia Subdivision - Plat 1 as recorded in Plat Book 31 at Page 21 of said Boone County Records; thence along said line and the northeasterly line of Thessalia Subdivision - Plat 4 as recorded in Plat Book 34 at Page 39 of said Boone County Records S.48°44'00"E., 356.92 feet; thence continuing along the lines of said Plat 4 and Tract 1-B S.41°16'00"W., 30.00 feet; S.48°44'00"E., 315.26 feet; N.50°06'00"E., 213.34 feet; S.33°38'00"W., 202.00 feet; S.75°48'00"E., 45.00 feet; thence N.44°55'00"E., 185.00 feet; thence N.31°50'00"E., 97.00 feet; N.59°45'30"E., 88.27 feet; N.59°51'25"E., 56.23 feet to the POINT OF BEGINNING.

AND

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EXCEPTING THEREFROM, all of the real property as depicted on the following described plats:
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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 GRANTEE, the word GRANTEE will be construed to read GRANTEES whenever the sense of this Deed requires.

IN WITNESS WHEREOF, The GRANTOR has caused these presents to be signed by its ___________________________ and attested by its Secretary on the day and year above written.

Maverick Excavating, Inc., a Missouri corporation

__________________________________
Secretary

By Jon Primus, President

State of Missouri
}
} ss:
County Of Boone
}

On this ______ day of _____________, 20____, before me, appeared Jon Primus, President, to me personally known, who being by me duly sworn, did say that he/she is the __________________ of Maverick Excavating, Inc., a Missouri corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Jon Primus, President acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and Notary Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

__________________________________
Notary Public

My Term Expires: ___________________