

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 168-11

### **AN ORDINANCE**

declaring it is in the public interest to proceed with construction of improvements at Again Street Park; approving plans and specifications for the improvements; determining that the work shall be done by City employees; authorizing an agreement with the Columbia Public School District; providing for payment for the improvement; and fixing the time when this ordinance shall become effective.

WHEREAS, the City Council adopted a resolution declaring the necessity of constructing improvements at Again Street Park; and

WHEREAS, the notice of a public hearing on this project was published in a daily newspaper of general circulation in the city; and

WHEREAS, the City Council has held a public hearing on construction of the improvement.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council finds that construction of improvements at Again Street Park, more specifically to include reconstruction of a small non-reservable shelter, construction of new fitness stations and minor improvements to the playground and connecting walkways, is necessary for the welfare and improvement of the City and that it is in the public interest that such improvements be made.

SECTION 2. The plans and specifications for these improvements, as prepared by the Department of Parks and Recreation, are hereby approved, adopted and made a part hereof by reference as fully as if set forth herein verbatim.

SECTION 3. As deemed advisable by the City Manager, City employees shall be used to construct the improvements.

SECTION 4. The City Manager is hereby authorized to execute an agreement with the Columbia Public School District relating to construction of improvements at Again Street Park. The form and content of the agreement 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 5. Payment for this improvement shall be made from Community Development Block Grant funds, and such other funds as may be lawfully appropriated.

SECTION 6. 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

## AGREEMENT

This agreement is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, between the City of Columbia, Missouri ("City") and the Columbia Public School District ("District"). The parties agree as follows:

1. The District grants City a license to use the following portion of the West Boulevard Elementary School property at 319 West Boulevard North for park and related park purposes for a period of twenty-five (25) years from the date of this agreement:

Part of Lot 9 of Garth Addition Subdivision within Section 11, Township 48 North, Range 13 West as recorded in Deed Book 0254 at Page 0287 of the real estate records of Boone County, Missouri, described as follows:

Beginning at the northeast corner of the property heading eastward along Again Street R.O.W. 671 feet; then southward 631 feet; then westward 637 feet; then northward 630 feet to the point of beginning. Totals approximately 9.45 acres.

A diagram for this property, known as Again Street Park, is depicted on Exhibit A, which is attached to and made a part of this agreement.

2. The City shall have the right to make the various improvements to the park property shown on Exhibit A.
3. The City shall be responsible for and shall pay for all maintenance, upkeep and care of the designated park area at no cost to the District. The City shall keep the park area in a neat and orderly condition at all times.
4. Any substantial additional changes or proposed improvements not shown on Exhibit A shall be subject to the written approval of the District.
5. The City agrees to indemnify and hold the District harmless from any and all claims for personal injury, property damages, cost and expenses, including attorneys' fees, arising out of use of the proposed park.
6. This agreement shall be binding on the parties hereto, their successors and assigns.
7. This agreement is for the sole benefit of the City and the District. Nothing in this agreement is intended to confer any rights or remedies on any third party.
8. If the District revokes the license granted in paragraph 1 before the 25-year term of this agreement has elapsed, the District will pay the City a prorated amount for the costs of any improvements the City has made on District property. The

prorated cost shall be figured as the cost of the improvements divided by the number of years the improvements would have been in use, counting the year of their construction if the full term would have elapsed, times the number of years of use remaining on the original term of this agreement.

The District will notify the City in writing of its intent to terminate this agreement not less than one hundred twenty (120) days in advance of the proposed date of termination.

IN WITNESS WHEREOF, City and District have entered into this agreement on the day and year first written above.

CITY OF COLUMBIA, MISSOURI

By: \_\_\_\_\_  
Mike Matthes, City Manager

ATTEST:

\_\_\_\_\_  
Sheela Amin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Fred Boeckmann, City Counselor

COLUMBIA PUBLIC SCHOOL DISTRICT

By: \_\_\_\_\_  
Dr. Chris Belcher, Superintendent

ATTEST:


\_\_\_\_\_  
Dr. Nick Boren, Deputy Superintendent

**Source:**  
**Mike Hood**   
**FISCAL and VISION NOTES:**

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$48,000	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs:
\$0	One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: Re to Website:	
Y	Vision Impact? (Y/N or if N, go no further)
12.1	Primary Vision, Strategy and/or Goal Item#
12.2	Secondary Vision, Strategy and/or Goal Item#
40	FY10/FY11 Implementation Task#

No. \_\_\_\_\_

Agenda Item

**TO: City Council**  
**FROM: City Manager and Staff**   
**DATE: June 2, 2011**  
**RE: City/School Facility Improvement**  
**Agreement: Again Street Park**

### **EXECUTIVE SUMMARY:**

The Department of Parks and Recreation is requesting authorization to proceed with improvements to Again Street Park. This neighborhood park is located on land owned by the Columbia Public School District (District) and is adjacent to West Boulevard Elementary School. This ordinance, if approved, authorizes the City Manager to sign an agreement with the District to extend the lease and authorize the City to conduct work on District property. Proposed improvements will consist of the re-construction of a small, non-reservable shelter, new fitness stations, and minor improvements to the playground and connecting walkways. Park planning staff conducted an interested party meeting on May 19 at the Activity and Recreation Center. Six people attended the meeting and expressed their support for the project. Park planners have also worked with District personnel and their letter of support for the project is attached. The work will be bid through the City's Purchasing Department and be completed by parks and recreation staff. Work is scheduled to begin during the 2011 construction season. Total project cost is estimated at \$48,000 and is funded by the Community Development Block Grant program.

### **DISCUSSION:**

The Department of Parks and Recreation is requesting authorization to enter into an agreement with the Columbia Public School District (District) to conduct improvements on District owned land, commonly known as Again Street Park. Located in Ward 1, this 9.45 acre park is located at 1200 Again Street and is adjacent to West Boulevard Elementary School.

This project, as identified in the *Parks, Recreation, and Open Space Master Plan, 2002 Facility Needs Update*, includes the renovation of the old wooden shelter. This 30 year old shelter has badly deteriorated over the years and will be replaced with a smaller, non-reservable shelter, similar in construction to the shelters at Lange Middle School and Stephens Lake Park. Based on user requests, the new shelter will be located closer to the small parking lot with a concrete connecting walkway. The Department is also preparing to replace the existing wood mulch under the playground equipment with a loose fill, recycled rubber project. Once installed and compacted, this material will provide a better ADA access surfacing and hopefully, reduce maintenance costs that are commonly associated with the degradation of wood mulch. Other improvements include the replacement of the old wooden fitness stations and the addition of a new climber in the playground.

Park staff believes that the attached “Again Street Park, Proposed Improvements Plan” represents a consensus of District staff, the public and parks and recreation staff. The \$48,000 total project budget is included in the City’s FY-11 capital improvement program with funding being provided by the Community Development Block Grant program.

This ordinance will extend an agreement with the Columbia Public School District for 25 years and is required in order to proceed with the proposed improvements. The Parks & Recreation Department will be responsible for the construction and maintenance of all amenities associated with Again Street Park.

Construction is scheduled to begin during the 2011 construction season and will be conducted by parks and recreation staff. Materials for this project will be bid through the City’s Purchasing Department.

**FISCAL IMPACT:**

The \$48,000 capital project is funded by the Community Development Block Grant program. The Parks & Recreation Department will be responsible for the maintenance of the 9.45 park area. Park staff is currently providing maintenance for Again Street Park and this project will likely reduce maintenance costs associated with the old shelter, playground surfacing, and the old wooden fitness station equipment. The addition of the new playground climber will not significantly impact the Department’s operating budget.

**VISION IMPACT:**

**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.

**12.2 Goal:** Columbia's recreational needs and desires will be met through effective public and private partnerships that provide outstanding, exciting, and diverse recreational facilities such as, but not limited to, an ice skating rink, golf courses, tennis courts, soccer fields, ball fields, ball parks, and swimming pools. These facilities will be placed appropriately throughout the city to allow easy access for everyone.

**Implementation Task:** 40. Fund and complete capital improvement program projects (parks)

**SUGGESTED COUNCIL ACTIONS:**

If Council concurs that the project should proceed, a resolution calling for the public hearing should be approved, and following the public hearing, the ordinance authorizing both the agreement and the construction of the project should be adopted.



Exhibit A





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## **COLUMBIA PUBLIC SCHOOLS**

Dr. Chris Belcher

### **Facilities & Construction Services**

**Charles A. Oestreich, Director**

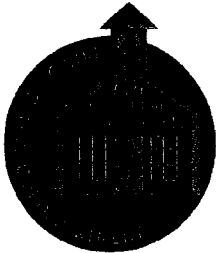
E-mail: coestrei@columbia.k12.mo.us

5909 Paris Road

Columbia, Missouri 65203

Phone: (573) 214-3760

Fax: (573) 214-3761



May 31, 2011

Mike Snyder  
Senior Parks Planner  
PO Box 6015  
Columbia, MO. 65205-6015

Again St.Park; Shepard Tennis Courts

Dear, Mr. Snyder

CPS has reviewed the proposed improvement plans for both Again St. Park and Shepard Tennis courts. CPS appreciates the support of Columbia Parks and Recreation over the years and looks forward to future joint projects. Please proceed with the planned improvements at both locations as appropriate. If should need further assistance from CPS, please don't hesitate to contact me.

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Charles A. Oestreich  
Director of Facilities & Construction Services

CC: Dr. Nick Boren  
Deputy Superintendent  
Columbia Public Schools