AN ORDINANCE

authorizing the City Manager to execute an agreement with Columbia Catholic High School to allow for the grading of a portion of the A. Perry Philips Park for storm water management purposes; authorizing the City Manager to execute a drainage easement; 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 with Columbia Catholic High School to allow for the grading of a portion of the A. Perry Philips Park for storm water management purposes. 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 City Manager is hereby authorized to execute an easement for drainage purposes. The form and content of the easement shall be substantially as set forth in “Exhibit B” attached hereto and made a part hereof as fully as if set forth herein verbatim.

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

PASSED this ________ day of ______________________, 2010.

ATTEST:

______________________________  ______________________________
City Clerk      Mayor and Presiding Officer
APPROVED AS TO FORM:

________________________________________
City Counselor
AGREEMENT

This agreement is entered into on this _____ day of ____________, 2010, by Columbia Catholic High School, a Missouri nonprofit corporation ("School") and the City of Columbia, Missouri ("City").

WHEREAS, School owns Lot 1 of Regional Catholic High School Plat 1 located on Gans Road in Columbia, Missouri ("the School Property"); and

WHEREAS, City owns Lot 1 of A. Perry Philips Park ("the City Property"), which is adjacent to the School Property; and

WHEREAS, School wishes to develop the School Property by constructing a high school; and

WHEREAS, School is required to provide for proper storm water management as part of its development; and

WHEREAS, School has requested the City's permission to grade a portion of the City's Property in connection with School's storm water management plan and City is willing to grant this permission subject to the requirements of this agreement.

NOW, THEREFORE, the parties agree as follows:

1. City shall allow School to grade a portion of the City Property as shown on School's site plan for the School Property dated February 17, 2010. The grading work on the City Property shall result in a slope no steeper than 5:1. The slope must be mowable. School shall seed the slope with a mixture of grass seed approved by City's director of Parks and Recreation. School shall mulch, fertilize, water and maintain the grass until it is established to the satisfaction of City's director of Parks and Recreation.

2. City shall grant School a drainage easement to allow School to construct and maintain a 42-inch pipe, flared end section and rip rap for the concentrated discharge of storm water onto the City Property. School shall provide City with a legal description for this easement. School shall be responsible for all future maintenance of the drainage structures in this easement.

3. If a channel has eroded between the drainage easement and Philips Park Lake within five (5) years after an occupancy permit has been granted for the high school, School shall provide corrective measures, subject to the approval of the City's director of Parks and Recreation. Corrective measures could include grading and providing a reinforced channel to the lake, stilling basins and grade control structures.
4. School shall remove all silt fencing and other signs of construction after work on the City Property has been completed and stabilized. The City Property shall be left in a clean condition.

IN WITNESS WHEREOF, the parties have executed this agreement on the date and year first above written.

CITY OF COLUMBIA, MISSOURI

By: ________________________________
    H. William Watkins, City Manager

ATTEST:

___________________________________
Sheela Amin, City Clerk

APPROVED AS TO FORM:

___________________________________
Fred Boeckmann, City Counselor

COLUMBIA CATHOLIC HIGH SCHOOL

By: ________________________________
    President

ATTEST:

___________________________________
Secretary
GRANT OF EASEMENT FOR DRAINAGE PURPOSES

THIS INDENTURE, made on the ______ day of ________________________, 20____, by and between the City of Columbia, a municipal corporation in the County of Boone and the State of Missouri, Grantor; Grantor’s mailing address is Post Office Box 6015, Columbia, MO 65205 and the Columbia Catholic High School, a Missouri nonprofit corporation of Cole County and the State of Missouri, Grantee; Grantee’s mailing address is Post Office Box 104900, Jefferson City, MO 65110.

WITNESSETH:

Grantor in consideration of the sum of TEN DOLLARS ($10.00) and other valuable considerations paid by the Grantee, the receipt of which is hereby acknowledged does hereby grant unto Grantee, its successors and assigns, the privilege, authority and right to construct, operate, replace, repair and maintain a drainage course or storm sewer, along with such other rights as are necessary and incidental thereto, under, across and upon the following described real estate, owned by Grantor, situated in the County of Boone, State of Missouri, towit:

A TRACT OF LAND BEING PART OF LOT 1, A. PERRY PHILIPS PARK, RECORDED IN BOOK 43, PAGE 9,LOCATED IN THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2871, PAGE 66 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE WITH THE LINES OF SAID LOT 1, N1°11'05"E, 551.40 FEET; THENCE S88°48'55"E, 55.41 FEET; THENCE N44°32'30"E, 396.00 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING THE LINES OF SAID LOT 1, N45°27'30"W, 80.00 FEET; THENCE N44°32'30"E, 40.00 FEET; THENCE S45°27'30"E, 80.00 FEET TO A SOUTHEAST LINE OF SAID LOT 1; THENCE WITH SAID SOUTHEAST LINE, S44°32'30"W, 40.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 3200 SQUARE FEET.

This grant includes the right of the Grantee, its officers, agents and employees, to cross Grantor’s abutting land at any time for the purpose of exercising any of the rights herein granted.

The Grantor warrants, that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above-described property, and has the right and authority to make and execute and it will defend this Grant of Easement.
IN WITNESS WHEREOF, the City of Columbia has caused this easement to be signed by its City Manager on the day and year first written above.

CITY OF COLUMBIA

By: ________________________________
    H. William Watkins, City Manager

ATTEST:

______________________________
Sheela Amin, City Clerk

APPROVED AS TO FORM:

______________________________
Fred Boeckmann, City Counselor

STATE OF MISSOURI )
    )ss.
COUNTY OF BOONE )

On this __________ day of ________________________________ in the year 20___, before me personally appeared H. William Watkins, , who being by me duly sworn, acknowledged that he is the City Manager of the City of Columbia and that this instrument was signed on behalf of the City and further acknowledged that he executed the same as the free act and deed of the City for the purposes therein stated and that he has been granted the authority by the City Council of the City of Columbia to execute the same.

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

______________________________
Notary Public
TO: City Council  
FROM: City Manager and Staff  
DATE: April 12, 2010  
RE: Agreement with Columbia Catholic High School

**EXECUTIVE SUMMARY:** As part of the site planning for the new Columbia Catholic High School, the School has requested permission of the City to grade a portion of the City’s A. Perry Philips Park to help provide for proper storm water management for the school site. In addition, it has been requested that the City grant the School a drainage easement to construct and maintain a concentrated discharge of storm water onto the City’s property and into the Philips Park Lake. Approval of this ordinance will authorize the City Manager to sign an agreement (copy attached) with the Catholic High School approving these requests and outlining the conditions under which such actions can be taken.

**DISCUSSION:** Construction of a new regional Catholic High School is currently being planned on property immediately adjacent to the City’s A. Perry Philips Park. As part of the site planning for the proposed development, the School is required to provide for proper storm water management. To provide for such management, the School has requested permission to grade a portion of the City’s property as shown on the school’s site plan for the school property (copy attached). The City has also agreed to provide a drainage easement for the discharge of storm water onto park property and ultimately into the Philips Park Lake which was designed for such purposes.

The proposed agreement includes the following conditions:

1. Any grading on City property shall result in a slope no greater than 5:1 and such slope must be mowed. School shall be responsible for seeding all disturbed areas and shall mulch, fertilize, water, and maintain the area until a grass cover is established.

2. School shall be responsible for all future maintenance of any drainage structures located within the drainage easement.

3. If a channel erodes between the drainage easement and Philips Park Lake within five years of the granting of an occupancy permit for the School, the School shall be required to provide corrective measures. Such measures could include grading, provision of a reinforced channel, stilling basins, and/or grade control structures.
**FISCAL IMPACT:** Approval of this agreement should have no fiscal impact on City operations.

**VISION IMPACT:** This agreement has no vision impact.

**SUGGESTED COUNCIL ACTIONS:** Approve the ordinance authorizing the City Manager to sign the proposed agreement with the Columbia Catholic High School.
April 12, 2010

Mr. Mike Hood, Director
Columbia Parks and Recreation
1 South 7th Street
Columbia, MO 65201

Re: Request for construction and maintenance agreement
   Regional Catholic High School

Dear Mr. Hood,

On behalf of the proposed Regional Catholic High School, we are requesting an agreement to allow grading of slopes and the construction of a storm water pipe outfall on City of Columbia park property adjacent to the proposed Regional Catholic High School. This grading and construction is shown on the Site Plan for the Regional Catholic High School prepared by Allstate Consultants and dated February 17, 2010.

Thank you for your help with this matter. If you have any questions regarding this request, please call me at 875-8799.

Sincerely,

Allstate Consultants LLC

[Signature]

Brian Harrington, PE, PTOE