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P. Hrngs. \_\_\_\_\_  
Pgs. 9 \_\_\_\_\_  
Filed 12-07-16 \_\_\_\_\_

Sponsored by: Schilling

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

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

COUNCIL BILL NO. 2016-300

SPECIAL ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE

1 AUTHORIZING the disposal of real estate located at 300 West McDaniel Street  
2 declared surplus by the Board of Public Utilities following receipt of  
3 bids by City Utilities and as otherwise authorized by the City  
4 Purchasing Manual and in accordance with requirements of the  
5 Federal Transit Administration; and authorizing the Mayor, on behalf of  
6 the City of Springfield, to execute a deed to convey said real estate.  
7 (The Board of Public Utilities and Planning and Development staff  
8 recommend approval).  
9 \_\_\_\_\_

10  
11 WHEREAS, the City holds a 0.35 acre tract of real estate at 300 West McDaniel  
12 Street for the benefit of the Board of Public Utilities; and  
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14 WHEREAS, the tract formerly served as City Utilities' bus transfer  
15 station/terminal but is no longer useful to City Utilities; and  
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17 WHEREAS, the Board of City Utilities resolved the real estate located at 300  
18 West McDaniel Street is surplus; and  
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20 WHEREAS, on July 7, 2016, the Planning and Zoning Commission approved  
21 City Utilities' request to dispose of the real estate; and  
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23 WHEREAS, disposition of real property calls for City Council approval.  
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25 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
26 SPRINGFIELD, MISSOURI, as follows, that:  
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28 Section 1 - City Council hereby authorizes the disposal of real estate located at  
29 300 West McDaniel Street declared surplus by the Board of Public Utilities and depicted  
30 on "Exhibit B" and described on "Exhibit C" following receipt of bids by City Utilities and  
31 as otherwise authorized by the City Purchasing Manual and in accordance with  
32 requirements of the Federal Transit Administration.

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Section 2 - City Council hereby authorizes the Mayor to execute a deed to convey the real estate at 300 West McDaniel Street.

Section 3 - This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_, City Clerk

Filed as Ordinance: \_\_\_\_\_

Approved as to form: Rhonda Lewaden, Assistant City Attorney

Approved for Council Action: [Signature] City Manager

**EXPLANATION TO COUNCIL BILL NO: 2016- 300**

FILED: 12-06-16

ORIGINATING DEPARTMENT: Board of Public Utilities

PURPOSE: Authorizing the disposal of real estate located at 300 West McDaniel Street declared surplus by the Board of Public Utilities following receipt of bids by City Utilities, and as otherwise authorized by the City Purchasing Manual and in accordance with requirements of the Federal Transit Administration; and authorizing the Mayor, on behalf of the City of Springfield, to execute a deed to convey said real estate.

BACKGROUND INFORMATION: By Resolution dated May 26, 2016, the Board of Public Utilities declared an approximately 0.35 tract of real estate currently held by the City for the Benefit of the Board of Public Utilities located at 300 West McDaniel Street surplus and authorized its disposition (see "Exhibit A.") The tract is the former City Utilities' bus transfer station/terminal and is depicted in "Exhibit B" and described in "Exhibit C." The acquisition of the real estate and construction of the station was supported by funding from the Federal Transit Administration ("FTA") which therefore has an interest in the proceeds, and disposition must meet FTA requirements, including FTA Circular C5010.1D. Sale will be by receipt of bids by City Utilities and as otherwise authorized by the City Purchasing Manual. Conveyance will be by form of deed approved by the City Attorney.

The Planning and Zoning Commission approved this request at public hearing on July, 2016, by unanimous vote (see "Exhibit D"). City Charter Section 16.6 allows the Board of Public Utilities to provide for the sale of surplus real estate not useful in the operation of the utility in the manner provided by ordinance.

REMARKS: The Board of Public Utilities and Planning and Development staff recommend approval.

Submitted by:

Approved by:

  
\_\_\_\_\_  
Mary Lilly Smith,  
Director of Planning and Development

  
\_\_\_\_\_  
Greg Burris, City Manager

  
\_\_\_\_\_  
Scott Miller,  
General Manager City Utilities

**Exhibit A**

RESOLUTION

WHEREAS, the Board of Public Utilities has charter responsibility to take charge of and operate public utilities upon real estate and properties acquired and held in connection with the operations of City Utilities in the manner as it may determine, for the benefit of City Utilities and the citizens of Springfield, Missouri; and

WHEREAS, City Utilities has previously acquired real estate, address 301 W. McDaniel, Springfield, Missouri, with financial assistance from the Federal Transit Administration (FTA) to construct and operate a bus transfer station/terminal, consisting of approximately 0.35 acres, drawing attached and Exhibit A, legal description attached as Exhibit B (the Real Estate); and

WHEREAS, the FTA as a result of its financial support, has applicable rules and regulations regarding the use and potential disposal of property for which it has provided support, including ‘Sell and Use of Proceeds for Other Capital Projects’ and ‘Retain Title with Buyout’, FTA Circular C5010.1D, which provides requirements for proceeds for disposal of such property, including the terms for use of proceeds for future capital projects receiving FTA support; and

WHEREAS, management has determined that the Real Estate, as described in the attached Exhibits A and B, as result of the construction of a new transfer station/terminal at another location, also with FTA financial support, is no longer necessary or useful in the operation or City Utilities, and the Real Estate may be surplus, according to City Charter, which includes offering the property to the City of Springfield, which if declined as expected will result in proceeding to public disposition, subject to approvals as may be required, including by the FTA, the Planning and Zoning commission and the authorization and execution of appropriate deed(s) by the Mayor of the City of Springfield.

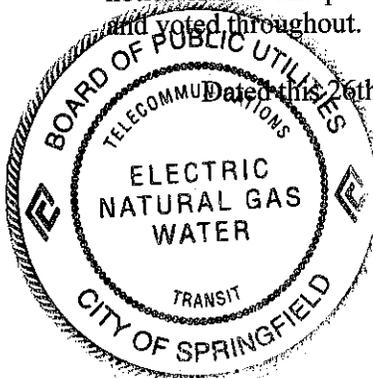
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC UTILITIES OF THE CITY OF SPRINGFIELD, MISSOURI, as follows:

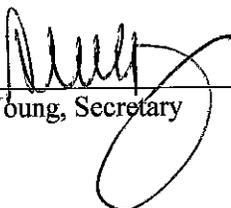
The Board of Public Utilities determines, approves and authorizes the surplus and disposition of the Real Estate described in attached Exhibits A and B, and to proceed with disposition and public sale at not less than appraised fair market value, unless otherwise mutually agreed by City Utilities’ General Manager and the Federal Transit Administration, by receipt of bids or as otherwise authorized by City Charter, the City Purchasing Manual and the FTA; and the Board further authorizes the General Manager to execute documents including a real estate contract according to terms as determined appropriate by the General Manager consistent with this Resolution, and for the General Manager and employees as delegated by the General Manager to pursue additional approvals, execute documents and perform those other acts necessary to implement this Resolution.

CERTIFICATE

The undersigned, Dean Young, Secretary of the Board of Public Utilities of the City of Springfield, Missouri, does hereby certify under his hand and seal of said Board of Public Utilities, that the above and foregoing is a true and correct copy of a resolution adopted by the Board of Public Utilities of the City of Springfield, Missouri, at its regular meeting held on the 26<sup>th</sup> day of May, 2016, pursuant to notice of time and place duly given to all members of said Board, at which meeting a quorum was present and voted throughout.

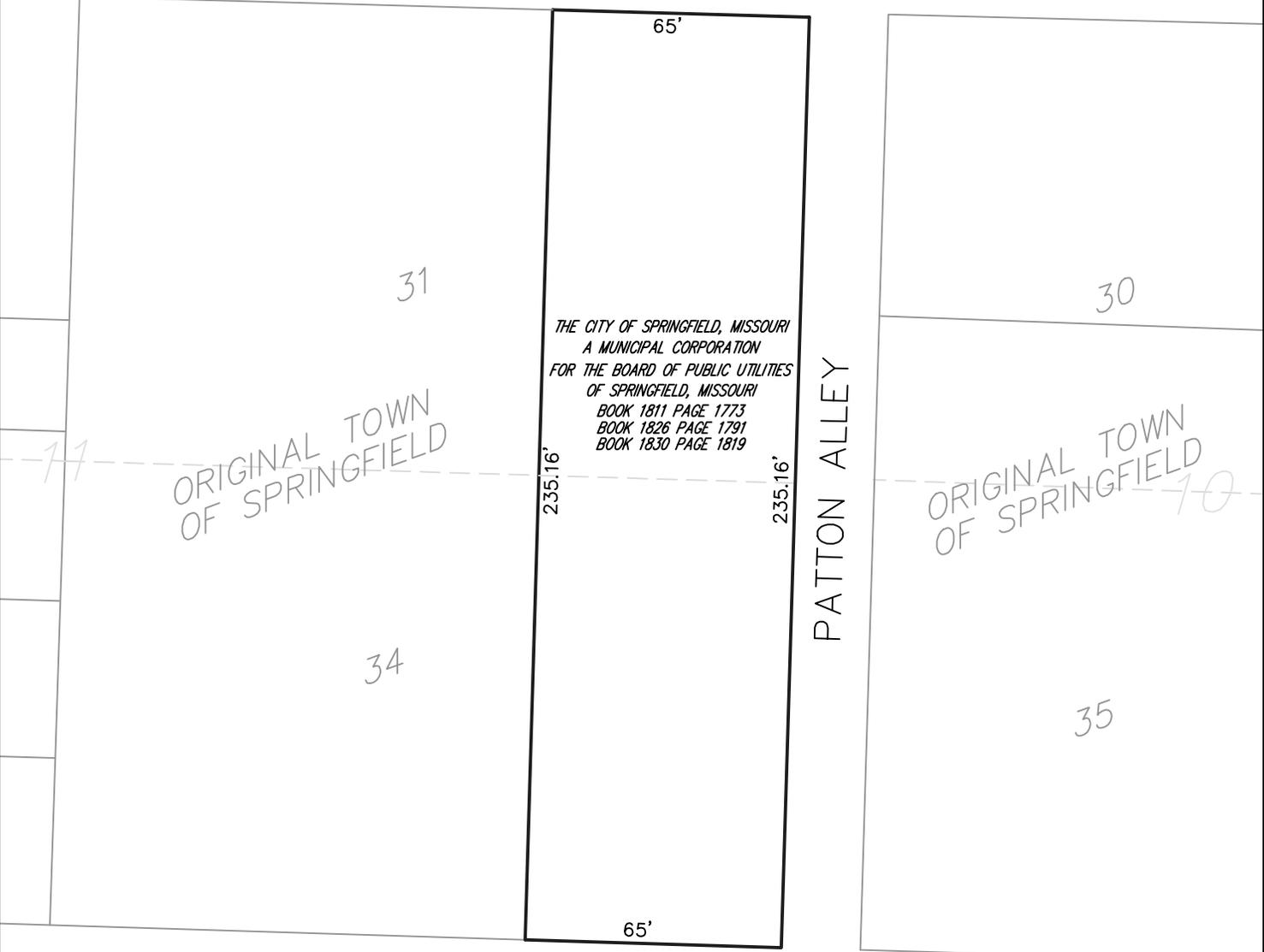
Date of this 26th day of May, 2016



  
\_\_\_\_\_  
Dean Young, Secretary

**Exhibit B**

PARK CENTRAL WEST



McDANIEL STREET



		CITY UTILITIES OF SPRINGFIELD 300 W PARK CENTRAL THE EAST 65 FEET OF LOT 31 & 34 OF THE PLAT OF ORIGINAL TOWN OF SPRINGFIELD SPRINGFIELD, GREENE COUNTY, MISSOURI	
		ENGINEERED BY:	APPROVED BY:   DATE: 5/9/2016
DRAWN BY: KMT	AGENCY NO.:	PLOT DATE/TIME: 5/9/2016	SCALE: 1" = 40'
APPLICATION NO.:	PERMIT NO.:	SHEET OF 1 1	DRAWING NO.: CU BUS TERMINAL 300 W PARK CENTRAL

## Exhibit C

### PROPERTY DESCRIPTION

ALL OF THE EAST 65 FEET OF LOTS 31 AND 34 OF BLOCK 11 OF THE ORIGINAL TOWN OF SPRINGFIELD, A PLAT RECORDED IN THE GREENE COUNTY RECORDERS OFFICE, SPRINGFIELD, GREENE COUNTY, MISSOURI IN PLAT BOOK "A" AT PAGE 1, BEING MORE PARTICULARLY DESCRIBED AS RECORDED IN BOOK 1811 AT PAGE 1773, BOOK 1826 AT PAGE 1819, AND BOOK 1830 AT PAGE 1819, IN THE RECORDERS OFFICE, SPRINGFIELD, GREENE COUNTY, MISSOURI.

#### BOOK 1811 PAGE 1773

ALL OF THE WEST 20 FEET OF THE EAST 65 FEET OF THE NORTH 112.5 FEET OF LOT THIRTY-ONE (31), IN BLOCK ELEVEN (11) IN THE ORIGINAL PLAT OF SPRINGFIELD, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. ALSO, AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING: BEGINNING AT A POINT 100.6 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 31, BLOCK 11, ORIGINAL TOWN OF SPRINGFIELD; THENCE WEST 45 FEET; THENCE SOUTH 12.3 FEET, THENCE EAST 45 FEET, THENCE NORTH 12.3 FEET TO THE PLACE OF BEGINNING.

#### BOOK 1826 PAGE 1791

BEGINNING AT THE NORTHEAST CORNER OF LOT THIRTY-ONE (31), IN BLOCK ELEVEN (11) IN THE ORIGINAL TOWN OF SPRINGFIELD, THENCE WEST 23 FEET; THENCE SOUTH 100 FEET; THENCE EAST 23 FEET TO PATTON ALLEY, THENCE NORTH 100 FEET TO THE POINT OF BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

#### ALSO

ALL BEGINNING TWENTY-THREE (23) FEET WEST OF THE NORTHEAST CORNER OF LOT THIRTY-ONE (31), BLOCK ELEVEN (11), ORIGINAL TOWN OF SPRINGFIELD, THENCE WEST TWENTY-TWO (22) FEET, THENCE SOUTH ONE HUNDRED AND SIXTEEN HUNDREDTHS (100.16) FEET, THENCE EAST TWENTY-TWO (22) FEET, THENCE NORTH TO BEGINNING, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI, SUBJECT TO AND FAVORED WITH ALL EASEMENTS OF RECORD.

#### ALSO

BEGINNING AT THE NORTHEAST CORNER OF LOT 31 IN BLOCK 11 OF THE ORIGINAL PLAT OF THE CITY OF SPRINGFIELD, MISSOURI: THENCE WEST 23 FEET, THENCE SOUTH 100 FEET; THENCE EAST 23 FEET, THENCE NORTH 100 FEET TO THE POINT OF BEGINNING, TOGETHER WITH ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN EASEMENT OF A TRACT OF LAND TWELVE FEET WIDE AND SOUTH OF THE PROPERTY HERETOFORE DESCRIBED AND AS DESCRIBED IN A WARRANTY DEED FROM D.C. DADE TO J. McADOO, RECORDED IN BOOK "U" AT PAGE 227 IN THE OFFICE OF THE RECORDER OF DEEDS, GREENE COUNTY, MISSOURI; EXCEPT THE NORTH 100 FEET AND ALSO SUBJECT TO BUT NONETHELESS CONVEYING ALL OF GRANTORS' RIGHTS IN AND TO ALL COVENANTS, RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD, AND TOGETHER WITH ALL OF GRANTORS' RIGHT, TITLE AND INTEREST IN AND TO ANY LEASES ON THE ABOVE DESCRIBED PROPERTIES, AND ALSO THE AREA LYING BETWEEN THESE TRACTS AND THE NORTH LINE OF LOT 34, BLOCK 11 AND BEGINNING 23 FEET WEST OF THE NORTHEAST CORNER OF LOT 31, BLOCK 11; THENCE SOUTH 100.16 FEET FOR A POINT OF BEGINNING; THENCE WEST 22 FEET; THENCE SOUTH THIRTEEN FEET; THENCE EAST 22 FEET; THENCE NORTH TO THE POINT OF BEGINNING, ALSO ANY LAND LYING SOUTH OF THE FOLLOWING TRACT OF LAND AND NORTH OF LOT 34, BLOCK 11 NOT OWNED BY HEER ANDRES INVESTMENT COMPANY; ALL OF

THE WEST 20 FEET OF THE EAST 65 FEET OF THE NORTH 112.5 FEET OF LOT THIRTY-ONE (31), IN BLOCK ELEVEN (11) IN THE ORIGINAL PLAT OF SPRINGFIELD, IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI. ALSO, AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING: BEGINNING AT A POINT 100.6 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 31, BLOCK 11, ORIGINAL TOWN OF SPRINGFIELD; THENCE WEST 45 FEET; THENCE SOUTH 12.3 FEET, THENCE EAST 45 FEET, THENCE NORTH 12.3 FEET TO THE POINT OF BEGINNING.

BOOK 1830 PAGE 1819

BEGINNING AT THE SOUTHEAST CORNER OF LOT 34, BLOCK 11 ORIGINAL TOWN OF SPRINGFIELD, THENCE NORTH ALONG THE EAST LINE OF LOTS 34 AND 31, ONE HUNDRED TWENTY-TWO (122) TO A POINT, THENCE LEAVING SAID EAST LINE AND RUNNING WEST SIXTY-FIVE FEET (65) TO A POINT, THENCE SOUTH ONE HUNDRED TWENTY-TWO FEET (122) TO A POINT ON THE SOUTHERLY LINE OF LOT 34, THENCE EAST ALONG THE SOUTHERLY LINE OF SAID LOT 34, SIXTY-FIVE FEET (65) TO THE POINT OF BEGINNING, IN SPRINGFIELD, GREENE COUNTY, MISSOURI, SUBJECT TO ALL RESERVATIONS, RESTRICTIONS, EASEMENTS, PARTY WALL AGREEMENTS AND COMMUNITY CONTRACTS, IF ANY, OF RECORD.

## Exhibit D

July 8, 2016

City Utilities  
301 E. Central Street  
Springfield, MO 65802

**RE: Request to Dispose 517**

To Whom It May Concern:

The Planning and Zoning Commission recommended **approval** of your request at their **July 7, 2016** meeting.

If you have any questions concerning this matter, please contact our office at 417-864-1611.

Cordially,

Alyssa Ahner

Assistant Planner

**July 7, 2016 AGENDA**  
**SPRINGFIELD PLANNING AND ZONING COMMISSION**  
City Council Chambers, Historic City Hall, 830 Boonville Avenue  
Time: 6:30 p.m.

**MEMBERS:** Jason Ray (Chair), Randy Doennig (Vice-Chair), Matt Edwards, Melissa Cox, David Shuler, Andrew Cline, King Coltrin, Dee Ogilvy, and Cameron Rose.

1. **ROLL CALL:**
2. **APPROVAL OF MINUTES:** June 9, 2016
3. **COMMUNICATIONS:**
4. **UNFINISHED BUSINESS:**
5. **CONSENT ITEMS:** All items may be approved with a single motion without a public hearing, unless removed from the consent agenda.
6. Request to Dispose 517  
301 West McDaniel Street  
City Utilities
7. **PUBLIC HEARINGS:**
8. Z-9-2016  
2420 East Sunshine Street  
D.L. Rogers Corp
9. Z-10-2016  
2263 East Cherry Street  
O'Reilly Automotive Stores, Inc.
10. Planned Development No. 351  
4018 & 4022 South Lone Pine Avenue  
Kaonashi, LLC and Lone Projects, LLC
11. Conditional Use Permit 423  
2420 East Sunshine Street  
D.L. Rogers Corp
12. **OTHER BUSINESS:**
13. Initiate Residential Off-Street Parking Surface Amendments  
Citywide  
City of Springfield
14. **ADJOURN**

For items for which the public may speak, the Commission Chairperson will invite anyone who wishes to speak to an item after staff makes its presentation. Please fill out a Speaker Card. When you address Commission, please step to the microphone at the podium and state your name and address. All meetings are televised live and tape recorded. Please limit your remarks to five (5) minutes unless Commission allows a longer time. In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 417-864-1443 at least three (3) days prior to the scheduled meeting.

**Note:** In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's office at 864-1443 at least 3 days prior to the scheduled meeting.