



Board of Aldermen Request for Action

MEETING DATE: 10/6/2026

DEPARTMENT: Parks and Recreation
/Public Works

AGENDA ITEM: Bill No. 3134-26 – Declaration of Deed Restriction for OK Railroad Trail – 1st and 2nd Reading

REQUESTED BOARD ACTION

Motion to approve Bill No. 3134-26, approving the Declaration of Deed for OK Railroad Trail. 1st and 2nd reading by title only.

SUMMARY

The City of Smithville was awarded a Recreation Trails Program (RTP) Grant by the Department of Natural Resources (DNR) in 2023 for improvements to the OK Railroad Trail. To complete final closeout with DNR, the Declaration of Deed Restriction must be approved.

In accordance with the RTP grant award and 2 CFR 200.316, the Property has been improved with grant funds. Once grant funds are used to improve a project, the RTP grant award and Federal regulations require that the property be held in trust, comply with Federal civil rights requirements, and limit use of the property to outdoor recreational use.

The Declaration of Deed Restriction identifies the property to be held in trust for recreational use, restates the City's commitment to complying with the terms of the RTP Grant and Federal requirements, and makes those restrictions binding for a period of 25 years.

PREVIOUS ACTION

N/A

POLICY ISSUE

N/A

ALIGNS WITH STRATEGIC PLAN/COMPREHENSIVE PLAN

N/A

FINANCIAL CONSIDERATIONS

N/A

ATTACHMENTS

- | | |
|--|-----------------------------------|
| ☒ Ordinance | ☐ Contract |
| ☐ Resolution | ☐ Plans |
| ☐ Staff Report | ☐ Minutes |
| ☒ Other: Declaration of Deed Restriction | |

**AN ORDINANCE APPROVING THE DECLARATION OF DEED
RESTRICTION FOR THE OK RAILROAD TRAIL**

WHEREAS, the City of Smithville was awarded the Recreation Trails Program (RTP) Grant by the Department of Natural Resources (DNR) in 2023, and;

WHEREAS, in accordance with the RTP grant award and 2 CFR 200.316, the property comprising the OK Railroad Trail has been improved with grant funds; and

WHEREAS, the City desires to keep and maintain the OK Railroad Trail in compliance with the terms of the RTP Grant; and

WHEREAS, a Declaration of Deed Restriction must be signed and submitted to DNR to complete the closing documents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SMITHVILLE, MISSOURI:

SECTION 1. That the Declaration of Deed Restriction, in substantially the form as **Exhibit A**, attached hereto and incorporated herein, is hereby approved.

SECTION 2. That the Mayor is hereby authorized to execute the Declaration of Deed Restriction on behalf of the City of Smithville, and that the Mayor, the City Administrator, and other City staff are hereby authorized to take any and all action as may be deemed necessary or convenient to carry out and comply with the intent of this Ordinance.

PASSED AND ADOPTED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, on the 6th day of October 2026.

Damien Boley, Mayor

ATTEST:

Linda Drummond, City Clerk

First Reading: 10/06/2026
Second Reading: 10/06/2026

DECLARATION OF DEED RESTRICTION

THIS DECLARATION is made this 6th day of October 2026, by the City of Smithville, 107 West Main Street, Smithville, MO 64089 (hereinafter referred to as “Owner”; *this is the grantor, if required by the recorder’s office*). Owner hereby declares that the below-described real property is and shall be held, transferred, sold, and conveyed subject to the following conditions and restrictions in accordance with the covenants made for the award of grant funds in Project 2023-09 administered by the Missouri Department of Natural Resources (“Department”; *this is the grantee and holder, if required by the recorder’s office*), P.O. Box 176, Jefferson City, MO 65102, through funds made available by the United States Department of Transportation, Federal Highways Administration, Recreational Trails Program (RTP):

Area 1:

A tract of land being a portion of the parcel described as:

BEG MOST NLY COR TR A DIAMOND CREST PARKLAND, SWLY TO NL CLAY CREEK PARKLAND ACCESS STRIP, NW151.2, NELY ALNG SE LN CORBY LN TO SL W HWY, SELY ALNG ROW TO POB,

and being more particularly described as follows:

Beginning at the Northeast Corner of Lot 86, Diamond Crest 3rd Plat;

thence Westerly 25.00 feet;

thence Southerly 62.91 feet;

thence Northeasterly 57.15 feet to the Point of Beginning.

Area 2

DIAMOND CREST PARKLAND TR A & DIAMOND CREST 4TH PLAT TR A (E-107) & CLAY CREEK TR E & PARKLAND ACCESS STRIPS TRS F & G (I-30.3)

Area 3

A portion of the following described tract:

BEG NW COR LT 40 LAKE MEADOWS 1ST PLAT, NE 343.56, SELY 546, SW80.56, NW330.30, SW77.76, S110.81, NW290.72 TO POB,

being more particularly described as follows:

A tract of land situated in Clay Creek Tract C and being adjacent to Lot 47, Lake Meadows 1st Plat, more particularly described as follows:

Beginning at the Northeast Corner of Lot 47, Lake Meadows 1st Plat;

thence Easterly approximately 96.65 feet;

thence Northerly approximately 80.57 feet;

thence Westerly approximately 47.65 feet;

thence Northwesterly approximately 77.81 feet;

thence Southeasterly approximately 95.79 feet to the Point of Beginning.

Containing approximately 9,092.53 square feet (0.209 acres), more or less.

Area 4:

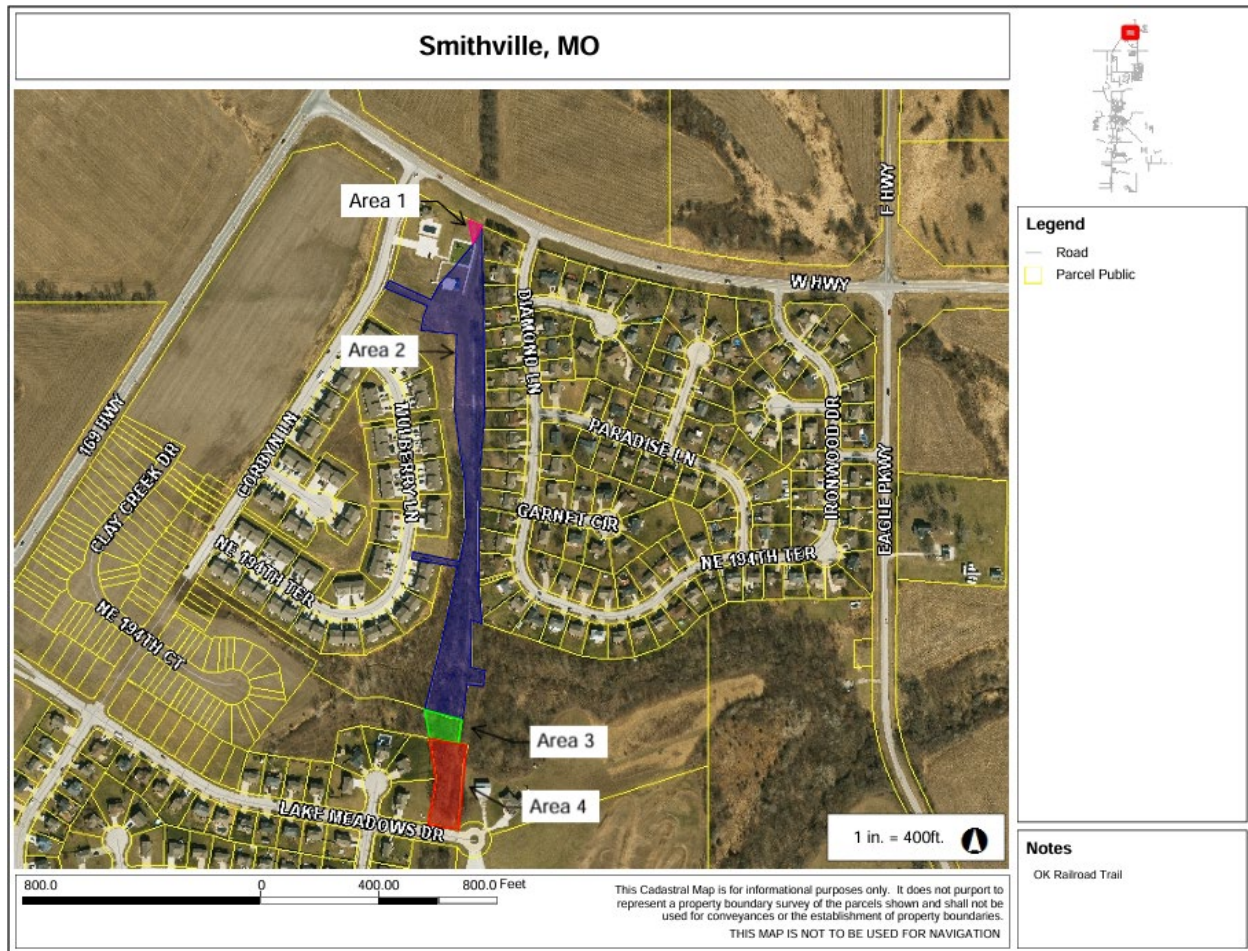
LAKE MEADOWS 1ST PLAT TR B

Area 1: in green (triangle)

Area 2: complete parcel

Area 3: area on the east side in green

Area 4: complete parcel



In accordance with the RTP grant award and 2 CFR 200.316, the Property has been improved with grant funds and must be held in trust as trustees for the beneficiaries of the program funds used to the develop the Property by limiting use of the Property to outdoor recreational use, and maintaining and operating the Property in accordance with Title VI of the Civil Rights Act of 1964 such that no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of this improvement paid by federal financial assistance. See 49 CFR Part 21 (civil rights laws), for 25 years from the signature date on this document. This Declaration shall be binding upon Owner and Owner's heirs, successors, assigns and other transferees in interest (hereinafter "Transferees"), and shall run with the land. Each instrument hereafter conveying any interest in the Property or any portion of the Property, shall contain a notice of this Declaration. Owner, on its behalf and on behalf of all Transferees, grants to the Department's representatives the right of access at reasonable times in a reasonable manner for the purpose of inspection to determine compliance with these limitations.

Any act, conveyance, contract, or authorization by Owner or Transferee, whether written or oral which would cause to be used, or would permit use of, the Property contrary to the terms of this Declaration, will be deemed a violation and breach and may require sale of the Property consistent with 2 CFR 200.311, and repayment of the award.

Failure to timely identify or enforce compliance with these activity and use limitations shall not bar subsequent enforcement or be deemed a waiver of right to take action. If any provision of this Declaration is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

IN WITNESS WHEREOF, this instrument is executed this 6th day of October 2026.

City of Smithville

By: _____ Date: _____
Damien Boley, Mayor of Smithville

STATE OF MISSOURI)
)
COUNTY OF CLAY)

On this 6th day of October, 2026, before me personally appeared City of Smithville to me personally known, who, being by me duly sworn, did say that he/she is the Owner of the Property, and that the foregoing instrument is acknowledged to be the free act and deed of the Grantor, and has been executed for the purposes stated herein.

Notary Public

Printed Name or seal

My Commission expires: _____