

Introduced by Treece

First Reading 5-18-20

Second Reading 6-1-20

Ordinance No. 024251

Council Bill No. B 116-20

AN ORDINANCE

declaring the need to acquire easements for construction of the Stanford Drive PCCE #21 Sanitary Sewer Improvement Project; authorizing acquisition by negotiation or, if necessary, by condemnation; authorizing the City Manager to obtain and execute all instruments necessary for acquisition of such land; and fixing the time when this ordinance shall become effective.

WHEREAS, the Constitution and Statutes of the State of Missouri and the Home Rule Charter for the City of Columbia, Missouri, authorize the City Council to exercise the power of eminent domain, within or without the City, and among other things, to acquire, and maintain any property, real or personal within or without the City for all public uses or purposes, and to acquire, receive and hold any estate or interest in any such property; and

WHEREAS, following the public hearing held on February 17, 2020, the City Council determined it was in the public interest to construct the Stanford Drive PCCE #21 Sanitary Sewer Improvement Project and by motion directed the City Manager to proceed with having plans and specifications prepared; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that certain private property be acquired by negotiation or by condemnation for public improvement.

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

SECTION 1. The City Council hereby declares the need to acquire easements for construction of the Stanford Drive PCCE #21 Sanitary Sewer Improvement Project, described as follows:

**1601 – 1603 RADCLIFFE, LLC
PARCEL ID: 16-512-00-02-051.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2450, PAGE 168, SAID TRACT BEING

LOT FORTY-EIGHT (48) OF A RESUBDIVISION OF LOTS 42 THROUGH 50 OF COLLEGE PARK EAST, REPLAT 1 SUBD. AS RECORDED IN PLAT BOOK 9, PAGE 8, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT (48); THENCE WITH THE WESTERLY LINE OF SAID LOT, S15°17'26"W, 18.74 FEET TO THE SOUTH LINE OF THE UTILITY EASEMENT AS SHOWN ON SAID PLAT AND POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID WESTERLY LINE AND WITH SAID UTILITY EASEMENT LINE N89°05'00"E, 4.00 FEET; THENCE LEAVING SAID UTILITY EASEMENT LINE AND CONTINUING N89°05'00"E, 20.00 FEET; THENCE N15°17'00"E, 10.41 FEET TO THE SOUTH LINE OF THE PLATTED UTILITY EASEMENT THENCE WITH SAID SOUTH UTILITY EASEMENT LINE N89°05'00"E, 20.20 FEET; THENCE LEAVING SAID UTILITY EASEMENT LINE S15°17'26"W, 22.91 FEET; THENCE S89°05'00"W, 44.20 FEET TO THE SAID WESTERLY LINE OF LOT (48); THENCE WITH THE SAID WESTERLY LINE, N15°17'26"E, 12.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 732 SQUARE FEET.

(BEARINGS AS DESCRIBED ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.)

**1601 – 1603 RADCLIFFE, LLC
PARCEL ID: 16-512-00-02-051.00 01
PERMANENT SANITARY SEWER EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2450, PAGE 168, SAID TRACT BEING LOT FORTY-EIGHT (48) OF A RESUBDIVISION OF LOTS 42 THROUGH 50 OF COLLEGE PARK EAST, REPLAT 1 SUBD. AS RECORDED IN PLAT BOOK 9, PAGE 8, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT (48); THENCE WITH THE WESTERLY LINE OF SAID LOT, S15°17'26"W, 18.74 FEET TO THE SOUTH LINE OF THE PLATTED UTILITY EASEMENT LINE ; THENCE LEAVING THE SAID WESTERLY LINE, AND WITH THE SAID EASEMENT LINE N89°05'00"E, 4.00 FEET; (BEARINGS AS DESCRIBED ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.)
TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH THE LINES OF SAID EASEMENT N15°17'00"E, 10.41 FEET; THENCE N89°05'00"E, 20.00 FEET; THENCE LEAVING THE LINES OF SAID EASEMENT S15°17'00"W, 10.41 FEET; THENCE

S89°05'00"W, 20.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 200 SQUARE FEET.

(BEARINGS AS DESCRIBED ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.)

**1605 – 1607 RADCLIFFE, LLC
PARCEL ID: 16-512-00-02-050.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2450, PAGE 169, SAID TRACT BEING LOT FORTY-NINE (49) OF A RESUBDIVISION OF LOTS 42 THROUGH 50 OF COLLEGE PARK EAST, REPLAT 1 SUBD. AS RECORDED IN PLAT BOOK 9, PAGE 8, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT (49); THENCE WITH THE EASTERLY LINE OF SAID LOT, S15°17'26"W, 18.74 FEET TO THE SOUTH LINE OF THE PLATTED UTILITY EASEMENT AND THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID EASTERLY LINE, S15°17'26"W, 12.50 FEET; THENCE LEAVING THE SAID EASTERLY LINE, S89°05'00"W, 95.80 FEET; THENCE S15°17'00"W, 73.76 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF RADCLIFFE DRIVE; THENCE WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE, S89°05'00"W, 5.21 FEET TO THE EAST LINE OF SAID PLATTED UTILITY EASEMENT THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE AND WITH SAID UTILITY EASEMENT LINES N15°17'00"E, 86.26 FEET; THENCE N89°05'00"E, 101.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1581 SQUARE FEET.

(BEARINGS AS DESCRIBED ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.)

**JAMES L. SASSER, JR. AND MARY M. SASSER, CO-TRUSTEES OF THE
JAMES LAMAR SASSER, JR. AND MARY MARGARET SASSER REVOCABLE JOINT
MARITAL LIVING TRUST DATED AUGUST 18, 2018
PARCEL ID: 16-512-00-02-027.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY

THE QUIT-CLAIM DEED RECORDED IN BOOK 4344, PAGE 155, SAID TRACT BEING LOT FIFTY-THREE (53) OF COLLEGE PARK EAST REPLAT 1 AS RECORDED IN PLAT BOOK 8, PAGE 42, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT (53); THENCE WITH THE EASTERLY LINE OF SAID LOT, N15°16'57"E, 8.33 FEET TO THE NORTH LINE OF THE PLATTED UTILITY EASEMENT AND THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID EASTERLY LINE AND WITH SAID UTILITY EASEMENT LINE S89°05'00"W, 19.04 FEET; THENCE LEAVING SAID UTILITY EASEMENT LINE N15°16'57"E, 7.29 FEET; THENCE N89°05'00"E, 19.04 FEET TO THE SAID EASTERLY LINE OF LOT (53); THENCE WITH THE SAID EASTERLY LINE, S15°16'57"W, 7.29 FEET TO THE POINT OF BEGINNING AND CONTAINING 133 SQUARE FEET.

(BEARINGS AS DESCRIBED ARE REFERENCED TO GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD 83, CENTRAL ZONE.)

SECTION 2. The City Manager is authorized to acquire the land described in Section 1 by negotiation or by the exercise of the power of eminent domain as set forth in Section 4 hereof.

SECTION 3. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the land described in Section 1.

SECTION 4. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 1, on the proper compensation to be paid for such land, or if the owner is incapable of contracting, is unknown, or cannot be found, or is a non-resident of the State of Missouri, the City Counselor is authorized to petition the Circuit Court of Boone County, Missouri, to acquire the land described in Section 1 by condemnation.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this 1st day of June, 2020.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor