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First Reading 3-7-16

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Ordinance No. 022768

Council Bill No. B 57-16

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Manor Drive storm water 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, 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 Manor Drive storm water improvement project, described as follows:

**Gary E Gundy and Amy E. Gundy, husband and wife**  
**PERMANENT DRAINAGE EASEMENT**  
**PARCEL: 16-605-00-04-026.00**

A three sided parcel of land in the northeast corner of a tract of land described in a warranty deed in Book 1289 at Page 914, said tract being Lot 50 and the north 3' of Lot 49 of Extended Wornell Subdivision as recorded in Plat Book 5 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the east line of said tract, said line also being the west Right-of-Way line of Maplewood Drive, S.0°48'45"W., 17.87 feet; thence leaving said line N.76°13'15"W., 78.02 feet to the north line of said tract;

thence along said line S.89°27'30"E., 76.03 feet to the POINT OF BEGINNING and containing 679 square feet.

**Gary E Gundy and Amy E. Gundy, husband and wife**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL: 16-605-00-04-026.00**

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 1289 at Page 914, said tract being Lot 50 and the north 3' of Lot 49 of Extended Wornell Subdivision as recorded in Plat Book 5 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the east line of said tract, said line also being the west Right-of-Way line of Maplewood Drive, S.0°48'45"W., 21.92 feet; thence leaving said line N.87°30'55"W., 40.95 feet; thence N.3°30'30"W., 2.13 feet; thence N.86°55'55"W., 32.14 feet; thence N.3°01'45"E., 8.19 feet; thence N.86°42'00"W., 57.55 feet to the west line of said tract; thence along said line N.0°56'05"E., 6.03 feet to the northwest corner of said tract; thence along the north line of said tract S.89°27'30"E., 130.38 feet to the POINT OF BEGINNING and containing 1,183 square feet exclusive of permanent drainage easement granted this date.

**Robert N. Lerch and Martha J. Lerch, husband and wife**  
**PERMANENT DRAINAGE EASEMENT**  
**PARCEL: 16-605-00-04-025.00**

An irregular shaped parcel of land over and across the south part of a tract of land described in a warranty deed in Book 1209 at Page 272, said tract being Lot 51 of Extended Wornell Subdivision as recorded in Plat Book 5 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the south line of said tract N.89°27'30"W., 76.03 feet; thence leaving said line N.76°13'15"W., 55.74 feet to the west line of said tract at a point N.0°56'05"E., 12.76 feet from the southwest corner of said tract; thence along said line N.0°56'05"E., 18.00 feet; thence leaving said line S.76°09'40"E., 60.10 feet to the west line of the existing house; thence along said line S.2°01'25"W., 4.33 feet to the southwest corner of said house; thence along the south line of said house S.86°33'35"E., 23.46 feet; thence leaving said line S.76°09'40"E., 49.70 feet to the POINT OF BEGINNING and containing 1,608 square feet.

**Robert N. Lerch and Martha J. Lerch, husband and wife**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL: 16-605-00-04-025.00**

An irregular shaped parcel of land along the south and west lines of a tract of land described in a warranty deed in Book 1209 at Page 272, said tract being Lot 51 of Extended Wornell Subdivision as recorded in Plat Book 5 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the south line of said tract N.89°27'30"W., 130.38 feet to the southwest corner of said tract; thence along the west line of said tract N.0°56'05"E., 43.10 feet; thence leaving said line S.89°03'55"E., 10.00 feet; thence S.0°56'05"W., 11.63 feet; thence S.81°16'05"E., 27.78 feet; thence S.69°09'55"E., 22.34; thence S.76°13'25"E., 32.05 feet; thence S.86°59'40"E., 40.60 feet to the east line of said tract, said line also being the west Right-of-Way line of Maplewood Drive; thence along said line S.0°48'45"W., 10.61 feet to the POINT OF BEGINNING and containing 1,094 square feet exclusive of permanent drainage easement granted this date.

**Connie S. Levy**  
**PERMANENT DRAINAGE EASEMENT**  
**PARCEL: 16-508-00-01-032.00**

The north four feet of a tract of land described in a quit-claim deed in Book 2235 at Page 823, said tract being Lot 5 of the Subdivision of Lot 24 of Houdersheldt Subdivision as recorded in Plat Book 5 at Page 57, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri and containing 553 square feet.

**Connie S. Levy**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL: 16-508-00-01-032.00**

A four sided parcel of land along the north line of a tract of land described in a quit-claim deed in Book 2235 at Page 823, said tract being Lot 5 of the Subdivision of Lot 24 of Houdersheldt Subdivision as recorded in Plat Book 5 at Page 57, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northwest corner of said tract; thence along the north line of said tract S.89°08'30"E., 138.19 feet to the northeast corner of said tract; thence along the east line of said tract S.0°56'05"W., 22.80 feet; thence leaving said line N.89°07'15"W., 138.17 feet to the west line of said tract, said line also being the east Right-of-Way line of Manor Drive; thence along said line N.0°53'35"E., 22.75 feet to the POINT OF BEGINNING and containing 2,594 square feet exclusive of permanent drainage easement granted this date.

**John R. Moseley and Jill Moseley, husband and wife**  
**PERMANENT DRAINAGE EASEMENT**  
**PARCEL: 16-508-00-01-033.00**

The south fourteen feet of a tract of land described in a warranty deed in Book 1280 at Page 586, said tract being Lot 4 of of the Subdivision of Lot 24 of Houdersheldt Subdivision as recorded in Plat Book 5 at Page 57, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri and containing 1,935 square feet.

**John R. Moseley and Jill Moseley, husband and wife**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL: 16-508-00-01-033.00**

Two irregular shaped parcels of land along the south and north lines of a tract of land described in a warranty deed in Book 1280 at Page 586, said tract being Lot 4 of the Subdivision of Lot 24 of Houdersheldt Subdivision as recorded in Plat Book 5 at Page 57, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcels being described as follows:

BEGINNING, for the first parcel, at the southeast corner of said tract; thence along the south line of said tract N.89°08'30"W., 138.19 feet to the southwest corner of said tract; thence along the west line of said tract, said line also being the east Right-of-Way line of Manor Drive, N.0°53'35"E., 16.85 feet; thence leaving said line S.88°55'05"E., 133.20 feet; thence N.0°56'05"E., 10.01 feet; thence S.89°03'55"E., 5.00 feet to the east line of said tract; thence along said line S.0°56'05"W., 26.34 feet to the POINT OF BEGINNING and containing 407 square feet exclusive of permanent drainage easement granted this date.

BEGINNING, for the second parcel, at the northwest corner of said tract; thence along the north line of said tract S.89°06'40"E., 138.25 feet to the northeast corner of said tract; thence along the east line of said tract S.0°56'05"W., 16.36 feet; thence leaving said line N.89°04'35"W., 94.39 feet; thence N.0°19'15"W., 8.57 feet; thence N.89°02'30"W., 43.67 feet to the west line of said tract, said line also being the east Right-of-Way line of Manor Drive; thence along said line N.0°53'35"E., 7.68 feet to the POINT OF BEGINNING and containing 1,880 square feet.

**Keenan Simon**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**PARCEL: 16-508-00-01-034.00**

An irregular shaped parcel of land along the south line of a tract of land described in a quit-claim deed in Book 4138 at Page 99, said tract being Lot 3 of the Subdivision of Lot 24 of Houdersheldt Subdivision as recorded in Plat Book 5 at Page 57, both of the Boone

County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the south line of said tract N.89°06'40"W., 138.25 feet to the southwest corner of said tract; thence along the west line of said tract, said line also being the east Right-of-Way line of Manor Drive, N.0°53'35"E., 20.50 feet; thence leaving said line S.89°06'25"E., 42.40 feet; thence S.86°47'00"E., 32.14 feet; thence S.89°03'55"E., 63.75 feet to the east line of said tract; thence along said line S.0°56'05"W., 19.15 feet to the POINT OF BEGINNING and containing 2,729 square feet.

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 21st day of March, 2016.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
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Mayor and Presiding Officer

APPROVED AS TO FORM:

  
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City Counselor