

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 41-16

AN ORDINANCE

declaring the need to acquire a trail easement for construction of the Chapel Hill connector to the County House Trail; 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 a trail easement for construction of the Chapel Hill connector to the County House Trail, described as follows:

**CENTRAL MISSOURI LAND, L.L.C.
TRAIL EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4086, PAGE 147 AND ACROSS PART OF THE TRACT DESCRIBED BY THE SURVEY RECORDED IN BOOK 1036, PAGE 89, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, WESTWOOD HILLS SUBDIVISION NO. 8 AS RECORDED IN PLAT BOOK 10, PAGE 25; THENCE WITH THE EAST LINE OF SAID SUBDIVISION, N 1°39'35"E, 264.45 FEET TO THE

SOUTHEASTERLY CORNER OF ROCK VALLEY PLAT 1, RECORDED IN PLAT BOOK 29, PAGE 2; THENCE LEAVING SAID EAST LINE AND WITH THE SOUTHERLY LINES OF SAID ROCK VALLEY PLAT 1, N89°00'45"W, 93.08 FEET; THENCE N42°52'00"W, 112.26 TO THE WEST LINE OF COUNTY HOUSE BRANCH TRAIL EASEMENT #6 DESCRIBED BY THE SCENIC CONSERVATION BIKEWAY/WALKWAY EASEMENT RECORDED IN BOOK 3599, PAGE 192; THENCE LEAVING SAID SOUTHERLY LINE AND WITH SAID WEST LINE, S50°01'15"W, 70.92 FEET; THENCE S34°39'10"W, 125.58 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING S34°39'10"W, 5.56 FEET; THENCE S81°33'45"W, 41.97 FEET; THENCE LEAVING SAID WEST LINE, N77°42'00"W, 21.09 FEET; THENCE 18.55 FEET ALONG A 30.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD S84°35'25"W, 18.25 FEET; THENCE S66°52'50"W, 9.51 FEET; THENCE 24.49 FEET ALONG A 35.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S86°55'40"W, 24.00 FEET; THENCE N73°01'30"W, 13.34 FEET; THENCE 25.82 FEET ALONG A 30.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S82°18'50"W, 25.03 FEET; THENCE S57°39'15"W, 19.09 FEET TO THE NORTH RIGHT-OF-WAY LINE OF CHAPEL HILL ROAD AS SHOWN BY SAID SURVEY RECORDED IN BOOK 1036, PAGE 89; THENCE WITH SAID RIGHT-OF-WAY LINE, N43°51'55"W, 20.41 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N57°39'15"E, 23.17 FEET; THENCE 43.04 FEET ALONG A 50.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N82°18'50"E, 41.72 FEET; THENCE S73°01'30"E, 13.34 FEET; THENCE 10.50 FEET ALONG A 15.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N86°55'40"E, 10.28 FEET; THENCE N66°52'50"E, 9.51 FEET; THENCE 30.91 FEET ALONG A 50.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N84°35'25"E, 30.42 FEET; THENCE S77°42'00"E, 62.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.08 ACRES (3,335 SQ. FT.).

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 _____ day of _____, 2016.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor