

Introduced by \_\_\_\_\_

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

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

Ordinance No. \_\_\_\_\_

Council Bill No. B 119-18

**AN ORDINANCE**

declaring the need to acquire certain interests in real property; 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 property for construction of the Ballenger Lane Improvement Project from Ria Street to Mexico Gravel Road, described as follows:

**Beacon Street Properties, LLC  
PERMANENT DRAINAGE EASEMENT  
Parcel: 12-804-00-07-132.00**

A four (4) sided parcel of land along the west line of a tract of land described in a warranty deed in Book 4608 at Page 75, said tract also being Lot 267 of Dakota Ridge Plat 2 as recorded in Plat Book 40 at Page 69, both of the Boone County Records; situate in the southwest quarter (1/4) of Section 34, Township 49 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northwest corner of said tract; thence along the west line of said tract, also being the east right-of-way line of Ballenger Lane, S.0°34'50"W., 84.57 feet to the POINT OF BEGINNING; thence continuing along said line S.0°34'50"W., 34.57 feet; thence leaving said line N.60°46'20"E., 46.10 feet; thence N.29°13'40"W., 30.00 feet;

thence S60°46'20"W., 28.92 feet to the POINT OF BEGINNING and containing 1,125 square feet inclusive of 346 square feet of existing utility easement as shown on said plat.

**Beacon Street Properties, LLC**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 12-804-00-07-132.00**

An irregular shaped parcel of land along the west line of a tract of land described in a warranty deed in Book 4608 at Page 75, said tract also being Lot 267 of Dakota Ridge Plat 2 as recorded in Plat Book 40 at Page 69, both of the Boone County Records; situate in the southwest quarter (1/4) of Section 34, Township 49 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northwest corner of said tract; thence along the west line of said tract, also being the east right-of-way line of Ballenger Lane, S.0°34'50"W., 70.03 feet to the POINT OF BEGINNING; thence leaving said line N.62°23'10"E., 32.88 feet; thence S.27°36'50"E., 51.10 feet; thence S.54°51'50"W., 24.23 feet; thence S.3°31'30"W., 113.88 feet, thence S10°52'25"E., 55.45 feet; thence S.0°10'40"W., 87.59 feet, thence S.60°34'25"W., 45.30 feet to the east line of said tract, also being the east right-of-way Ballenger Lane; thence along said line N.0°34'50"E., 272.85 feet; thence leaving said right-of-way line and along the Permanent Drainage Easement granted this date N.60°46'20"E., 46.10 feet; thence N.29°13'40"W., 30.00 feet; thence S.60°46'20"W., 28.92 feet to said right-of-way line; thence along said right-of-way line, N.0°34'50"W., 14.54 feet to the POINT OF BEGINNING and containing 10,234 square feet inclusive of 2,872 square feet of existing 10' utility easement as shown on said plat, 2128 square feet of existing 20' sanitary sewer easement recorded in Book 418 Page 791 and 624 square feet of existing 20' sanitary sewer easement recorded in Book 482 Page 351, all of said Boone County Records.

**Grantwood Village, LLC, a Missouri Limited Liability Company**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 17-202-00-05-016.00**

An rectangular shaped parcel of land along the west line of a tract of land described in a warranty deed in Book 1872 at Page 1000, also being Lot 16 of Grantwood Village as recorded in Plat Book 36 at Page 15, both of the Boone County Records; situate in Section 4, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the southwest corner of said lot; thence along the west line of said lot, also being the east right-of-way line of Ballenger Lane, N.23°23'30"E., 109.80 feet to the POINT OF BEGINNING; thence continuing along said line N.23°23'30"E., 16.00 feet; thence leaving said line S.66°36'30"E., 5.00 feet; thence S.23°23'30"W., 16.00 feet; thence N.66°36'30"W., 5.00 feet to the POINT OF BEGINNING and containing 80.00 square feet

inclusive of 80.00 square feet of existing 10' utility easement as recorded in Plat Book 36 at Page 15 of Boone County Records.

**Jeffrey Kavanaugh**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 12-818-00-02-040.00**

An irregular shaped parcel of land in the northeast corner of a tract of land described in a warranty deed in Book 2854 at Page 123, said tract also being Lot 1 of Oak View Terrace as recorded in Plat Book 7 at Page 51, both of the Boone County Records; situate in the southeast quarter (1/4) of Section 33, Township 49 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the north line of said tract also being the south right-of-way line of Oakview Drive N.89°30'05"W., 10.00 feet; thence leaving said line S.28°33'20"E., 20.59 feet to the east line of said tract also being the west right-of-way line of Ballenger Lane; thence along said line N.0°29'55"E., 18.00 feet to the POINT OF BEGINNING and containing 90 square feet.

**John E. Gerou Revocable Living Trust**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 12-804-00-00-009.00**

An rectangular shaped parcel of land along the west line of a tract of land described as Tract 2 in a warranty deed in Book 2058 at Page 224, said tract also being Tract 1 of a survey recorded in Book 1064 at Page 443, both of the Boone County Records; situate in the south half (1/2) of the southwest quarter (1/4) of Section 34, Township 49 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northwest corner of said tract; thence along the west line of said tract also being the east right-of-way line of Ballenger Lane S.5°57'25"E., 117.84 feet to the POINT OF BEGINNING; thence continuing along said line S.5°57'25"E., 29.75 feet; thence leaving said line N.84°02'35"E., 5.00 feet; thence N.5°57'25"W., 29.75 feet; thence S84°02'35"W., 5.00 feet to the POINT OF BEGINNING and containing 149 square feet.

**Mary Logan & Laurence Logan**  
**PERMANENT STREET EASEMENT**  
**Parcel: 17-206-00-00-036.00**

A four (4) sided parcel of land along the north line of a tract of land described in a warranty deed in Book 2804 at Page 101, also being said tract as shown in survey recorded in Book 379 at Page 907, both of the Boone County Records; situate in the northeast quarter (1/4) of Section 4, Township 48 North, Range 12 West, in 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, also being the west right-of-way line of Ballenger Lane, S.1°14'05"W., 5.26 feet; thence leaving said line S.89°55'10"W., 29.96 feet; thence N.2°07'55"W., 4.17 feet to the north line of said tract also being the south right-of-way line of Rice Road; thence N.87°52'05"E., 30.25 feet to the POINT OF BEGINNING and containing 142 square feet.

**Mary Logan & Laurence Logan, wife and husband**  
**PERMANENT DRAINAGE EASEMENT**  
**Parcel: 17-206-00-00-036.00**

A four (4) sided parcel of land along the east line of a tract of land described in a warranty deed in Book 2804 at Page 101, also being said tract as shown by survey recorded in Book 379 at Page 907, both of the Boone County Records; situate in the northeast quarter (1/4) of Section 4, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the east line of said tract, also being the west right-of-way line of Ballenger Lane, S.1°14'05"W., 24.19 feet to the POINT OF BEGINNING; thence continuing along said line S.1°14'05"W., 25.91 feet; thence leaving said line S.59°20'50"W., 29.97 feet; thence N.30°39'10"W., 22.00 feet; thence N.59°20'50"E., 43.66 feet to the POINT OF BEGINNING and containing 810 square feet.

**Mary Logan & Laurence Logan, wife and husband**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 17-206-00-00-036.00**

An irregular shaped parcel of land along the east line of a tract of land described in a warranty deed in Book 2804 at Page 101, also being said tract as shown in survey recorded in Book 379 at Page 907, both of the Boone County Records; situate in the northeast quarter (1/4) of Section 4, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the east line of said tract, also being the west right-of-way line of Ballenger Lane, S.1°14'05"W., 5.26 feet to the POINT OF BEGINNING and being the southeast corner of a Permanent Street Easement granted this date; thence leaving said line and along lines of said easement S.89°55'10"W., 29.96 feet; thence N.2°07'55"W., 4.17 feet to the north line of said tract also being the south right-of-way line of Rice Road; thence along said line S.87°52'05"W., 4.75 feet; thence leaving said line S.16°33'45"W., 44.54 feet, thence S.30°39'10"E., 36.00 feet; thence S.88°45'55"E., 23.70 feet, thence S.1°14'05"W., 63.05 feet to the south line of said tract; thence along said line N.87°57'25"E., 4.01 feet to the southeast corner of said tract also being on the west right-of-way line of Ballenger Lane; thence along said line N.01°14'05"E., 88.29 feet; thence leaving said right-of-way line and along lines of

Permanent Drainage Easement granted this date S.59°20'50"W., 29.97 feet; thence N.30°39'10"W., 22.00 feet; thence N.59°20'50"E., 43.66 feet to said right-of-way line; thence along said right-of-way line, N.1°14'05"E., 18.93 feet to the POINT OF BEGINNING.

**Victory Christian Church of Columbia, Incorporated**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 17-210-00-00-001.00**

An rectangular shaped parcel of land along the east line of a tract of land described in a warranty deed in Book 4153 at Page 25, also being said tract as shown in survey recorded in Book 360 at Page 464, both of the Boone County Records; situate in the southeast quarter (1/4) of Section 4, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the east line of said tract, also being the west right-of-way line of Ballenger Lane along a non-tangent curve to the right, a distance of 170.66 feet having a radius of 1405.00 feet (chord S.11°24'20"W., 170.55 feet); thence continuing along said line S.14°57'10"W., 188.23 feet to the POINT OF BEGINNING; thence continuing along said line S.14°57'10"W., 20.00 feet; thence leaving said line N.75°02'50"W., 10.00 feet; thence N.14°57'10"E., 20.00 feet; thence S.75°02'50"E., 10.00 feet to the POINT OF BEGINNING and containing 200 square feet.

**Wallace D. Malveaux & Deronda W. Malveaux**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 17-207-00-02-001.00**

An triangular shaped parcel of land along the west line of a tract of land described in a warranty deed in Book 1623 at Page 561, said tract also being Lot 1 of Roseview Subdivision recorded in Plat Book 11 at Page 296, both of the Boone County Records; situate in the south half (1/2) of the northwest quarter (1/4) of Section 3, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the southwest corner of said tract; thence along the west line of said tract also being the east right-of-way line of Ballenger Lane N.1°12'05"E., 53.49 feet to the POINT OF BEGINNING; thence continuing along said line N.1°12'05"E., 41.77 feet; thence leaving said line S.17°02'40"E., 21.90 feet; thence S.19°18'10"W., 22.07 feet to the POINT OF BEGINNING and containing 143 square feet.

**Xavier Jackson**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Parcel: 12-818-00-02-001.00**

An irregular shaped parcel of land along the east line of a tract of land described in a trustee's deed in Book 4488 at Page 151, said tract also being Lot 40 of Oak View Terrace

as recorded in Plat Book 7 at Page 51, both of the Boone County Records; situate in the southeast quarter (1/4) of Section 33, Township 49 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the north line of said tract S.83°56'35"W., 10.00 feet; thence leaving said line S.5°23'40"E., 93.90 feet; thence S.89°30'05"E., 8.00 feet; thence S. 3°05'10"E., 37.04 feet; thence N.89°30'05"W., 6.50 feet, thence S.5°23'40"E., 25.01 feet to south line of said tract and being the north right-of-way line of Oakview Drive; thence along said line S.89°30'05"E., 10.05 feet to southeast corner of said lot; thence leaving said line and along the west right-of-way line of Ballenger Lane N.5°23'40"W., 157.22 feet to the POINT OF BEGINNING and containing 1298 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

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

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor