

Introduced by Buffaloe

First Reading 3-4-24

Second Reading 3-18-24

Ordinance No. 025612

Council Bill No. B 52-24

AN ORDINANCE

declaring the need to acquire four (4) additional easements for construction of stormwater improvements on Calvert Drive, Sylvan Lane and Vandiver Drive, and construction of sanitary sewer improvements on Calvert Drive; 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 October 16, 2023, the City Council determined it was in the public interest to construct stormwater improvements on Calvert Drive, Sylvan Lane and Vandiver Drive, and construction of sanitary sewer improvements on Calvert Drive, and by motion directed the City Manager to proceed with having plans and specifications prepared; and

WHEREAS, on February 19, 2024, the City Council passed Ordinance No. 025585 (B26-24) authorizing the acquisition of easements for construction of the stormwater improvement project; and

WHEREAS, City staff has determined it is necessary to acquire four (4) additional easements to complete the stormwater improvement project; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that the four (4) additional easements 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 four (4) additional easements for construction of the Calvert Drive, Sylvan Lane and Vandiver Drive stormwater improvement project, and construction of sanitary sewer improvements on Calvert Drive, described as follows:

**NORTHPARK PROPERTIES, LLC
PID 17-111-00-02-010.00 01
PERMANENT DRAINAGE EASEMENT**

A PERMANENT DRAINAGE EASEMENT BEING PART OF LOT 98, WHITE GATE SECOND ADDITION, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN PLAT BOOK 7, PAGE 45, SECTION 5, IN TOWNSHIP 48 NORTH, RANGE 12 WEST, IN THE CITY OF COLUMBIA, STATE OF MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTH 20 DEGREES 55 MINUTES 41 SECONDS WEST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), ON THE WEST LINE OF SAID LOT, 21.67 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE ON THE SOUTH LINE OF AN EXISTING 24-FOOT-WIDE PERMANENT DRAINAGE EASEMENT, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN DEED BOOK 5272, PAGE 47, SOUTH 47 DEGREES 04 MINUTES 38 SECONDS EAST, 28.10 FEET; THENCE NORTH 83 DEGREES 29 MINUTES 24 SECONDS WEST, 26.90 FEET TO SAID WEST LINE; THENCE NORTH 20 DEGREES 55 MINUTES 41 SECONDS EAST, 17.22 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 224 SQUARE FEET OR 0.005 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.

**NORTHPARK PROPERTIES, LLC
PID 17-111-00-02-010.00 01
TEMPORARY CONSTRUCTION EASEMENT #1, #2 & #3**

THREE TEMPORARY CONSTRUCTION EASEMENTS BEING PART OF LOT 98, WHITE GATE SECOND ADDITION, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN PLAT BOOK 7, PAGE 45, SECTION 5, IN TOWNSHIP 48 NORTH, RANGE 12 WEST, IN THE CITY OF COLUMBIA, STATE OF MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TEMPORARY CONSTRUCTION EASEMENT #1:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE ON THE EAST LINE OF SAID LOT SOUTH 20 DEGREES 55 MINUTES 41 SECONDS WEST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), 27.34 FEET TO THE NORTH LINE OF AN EXISTING 24-FOOT-WIDE PERMANENT DRAINAGE EASEMENT, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN DEED BOOK 5272, PAGE 47; THENCE NORTH 47 DEGREES 04 MINUTES 38 SECONDS WEST, 73.07 FEET TO THE NORTH LINE OF SAID LOT; THENCE SOUTH 69 DEGREES 03 MINUTES 06 SECONDS EAST, 67.76 FEET TO THE POINT OF BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT #2:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE ON THE WEST LINE OF SAID LOT SOUTH 20 DEGREES 55 MINUTES 41 SECONDS WEST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), 38.89 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE SOUTH 83 DEGREES 29 MINUTES 24 SECONDS EAST, 26.90 FEET TO THE SOUTH LINE OF AN EXISTING 24-FOOT-WIDE PERMANENT DRAINAGE EASEMENT, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN DEED BOOK 5272, PAGE 47; THENCE SOUTH 47 DEGREES 04 MINUTES 38 SECONDS EAST, 47.60 FEET TO THE NORTH LINE OF AN EXISTING 8-FOOT-WIDE UTILITY EASEMENT PER SAID WHITE GATE SECOND ADDITION PLAT; THENCE NORTH 69 DEGREES 03 MINUTES 06 SECONDS WEST, 70.20 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH 20 DEGREES 55 MINUTES 41 SECONDS EAST, 11.11 FEET TO THE POINT OF BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT #3:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE ON THE WEST LINE OF SAID LOT SOUTH 20 DEGREES 55 MINUTES 41 SECONDS WEST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), 58.00 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE ON THE SOUTH LINE OF AN EXISTING 8-FOOT-WIDE UTILITY EASEMENT PER SAID WHITE GATE SECOND ADDITION PLAT SOUTH 69 DEGREES 03 MINUTES 06 SECONDS EAST, 70.19 FEET; THENCE ON THE WEST LINE OF SAID EXISTING 8-FOOT-WIDE UTILITY EASEMENT SOUTH 20 DEGREES 55 MINUTES 41 SECONDS WEST, 22.00 FEET; THENCE NORTH 69 DEGREES 03 MINUTES 06 SECONDS WEST ON A LINE PARALLEL 80-FEET SOUTH FROM THE NORTH LINE OF SAID LOT, 70.19 FEET TO WEST LINE OF SAID LOT; THENCE ON THE WEST LINE OF SAID LOT NORTH 20 DEGREES 55 MINUTES 41 SECONDS EAST, 22.00 FEET TO THE POINT OF BEGINNING.

SAID THREE TEMPORARY CONSTRUCTION EASEMENTS CONTAIN 3,240 SQUARE FEET OR 0.074 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.

**LITTLE DIXIE/DEER PARK INVESTMENT COMPANY L.L.C.
PID 17-111-00-01-007.00 01
PERMANENT SANITARY SEWER EASEMENT #1 & #2**

TWO PERMANENT SANITARY SEWER EASEMENTS BEING PART OF LOT 501, MID-MISSOURI INDUSTRIAL PARK PLAT 5, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN BOOK 3385, PAGE 136, SECTION 5, IN TOWNSHIP 48 NORTH, RANGE 12 WEST, IN THE CITY OF COLUMBIA, STATE OF MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERMANENT SANITARY SEWER EASEMENT #1:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 25 MINUTES 13 SECONDS EAST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), ON THE EAST LINE OF SAID LOT, 5.47 FEET; THENCE SOUTH 58 DEGREES 52 MINUTES 47 SECONDS WEST, 16.28 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, ON A LINE PARALLEL 14-FEET WEST FROM SAID EAST LINE, 203.67 FEET TO THE SOUTH LINE OF SAID LOT; THENCE NORTH 69 DEGREES 03 MINUTES 06 SECONDS WEST, ON SAID SOUTH LINE, 17.18 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 13 SECONDS WEST, ON A LINE PARALLEL 30-FEET WEST FROM SAID EAST LINE, 199.73 FEET TO THE RIGHT-OF-WAY LINE OF CALVERT DRIVE (50-FEET); THENCE, ON SAID RIGHT-OF-WAY LINE, EASTWARDLY ON A NON-TANGENT CURVE TO THE LEFT WITH AN ARC DISTANCE OF 32.69 FEET, A RADIUS OF 50.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 68 DEGREES 40 MINUTES 03 SECONDS EAST, 32.12 FEET; TO THE POINT OF BEGINNING.

SAID PERMANENT SANITARY SEWER EASEMENT #1 CONTAINS 3,335 SQUARE FEET OR 0.077 ACRES, MORE OR LESS.

AND, ALSO

PERMANENT SANITARY SEWER EASEMENT #2:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT; THENCE NORTH 89 DEGREES 27 MINUTES 29 SECONDS EAST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), ON THE NORTH LINE OF SAID TRACT OF LAND, 100.23 FEET TO THE RIGHT-OF-WAY LINE OF CALVERT DRIVE (50 FEET); THENCE, ON SAID RIGHT-OF-WAY LINE, SOUTHWARDLY ON A NON-TANGENT CURVE TO

THE LEFT WITH AN ARC DISTANCE OF 8.04 FEET, A RADIUS OF 50.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 05 DEGREES 44 MINUTES 35 SECONDS EAST, 8.03 FEET, TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE, CONTINUING ON SAID RIGHT-OF-WAY LINE, SOUTHWARDLY ON A CURVE TO THE LEFT WITH AN ARC DISTANCE OF 18.39 FEET, A RADIUS OF 50.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 20 DEGREES 53 MINUTES 10 SECONDS EAST, 18.28 FEET; THENCE NORTH 60 DEGREES 17 MINUTES 25 SECONDS WEST, 34.03 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 29 SECONDS EAST, ON A LINE PARALLEL 8-FEET SOUTH FROM THE NORTH LINE OF SAID LOT , 23.04 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT SANITARY SEWER EASEMENT #2 CONTAINS 187 SQUARE FEET OR 0.004 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.

LITTLE DIXIE/DEER PARK INVESTMENT COMPANY L.L.C.

PID 17-111-00-01-007.00 01

PERMANENT DRAINAGE EASEMENT #1 & #2

TWO PERMANENT DRAINAGE EASEMENTS BEING PART OF LOT 501, MID-MISSOURI INDUSTRIAL PARK PLAT 5, A REFERENCE BEING HAD TO THE BOONE COUNTY RECORDER OF DEEDS OFFICE IN BOOK 3385, PAGE 136, SECTION 5, IN TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, STATE OF MISSOURI, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERMANENT DRAINAGE EASEMENT #1:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 69 DEGREES 03 MINUTES 06 SECONDS WEST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), ON THE SOUTH LINE OF SAID LOT, 195.68 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 25 SECONDS WEST, ON THE WEST LINE OF SAID LOT, 53.68 FEET; THENCE SOUTH 69 DEGREES 03 MINUTES 06 SECONDS EAST, ON A LINE PARALLEL 50-FEET NORTH FROM SAID SOUTH LINE, 195.65 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 13 SECONDS EAST, ON THE EAST LINE OF SAID TRACT OF LAND, 53.69 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT DRAINAGE EASEMENT #1 CONTAINS 9,783 SQUARE FEET OR 0.225 ACRES, MORE OR LESS.

AND ALSO,

PERMANENT DRAINAGE EASEMENT #2:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 25 MINUTES 13 SECONDS EAST (BASED ON THE "MISSOURI COORDINATE SYSTEM OF 1983", CENTRAL ZONE 2401, GRID NORTH AS DERIVED FROM THE MODOT VRS SYSTEM), ON THE EAST LINE OF SAID LOT, 160.65 FEET; THENCE NORTH 69 DEGREES 03 MINUTES 06 SECONDS WEST, ON A LINE PARALLEL 58-FEET NORTH FROM THE SOUTH LINE OF SAID LOT, 187.06 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 25 SECONDS WEST, ON A LINE PARALLEL 8-FEET EAST FROM THE WEST LINE OF SAID LOT, 122.17 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 29 SECONDS EAST, ON A LINE PARALLEL 8-FEET SOUTH FROM THE NORTH LINE OF SAID LOT, 92.98 FEET TO THE RIGHT-OF-WAY LINE OF CALVERT DRIVE (50 FEET); THENCE, ON SAID RIGHT-OF-WAY, EASTWARDLY ON A NON-TANGENT CURVE TO THE LEFT WITH AN ARC DISTANCE OF 104.47 FEET, A RADIUS OF 50.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 70 DEGREES 12 MINUTES 29 SECONDS EAST, 86.48 FEET TO THE POINT OF BEGINNING.

SAID PERMANENT DRAINAGE EASEMENT #2 CONTAINS 24,501 SQUARE FEET OR 0.562 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.

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 18th day of March, 2024.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor