

024279

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First Reading 6-15-20

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Ordinance No. 024279

Council Bill No. B 145-20

AN ORDINANCE

declaring the need to acquire easements for construction of the Glenwood Avenue PCCE #25 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 Glenwood Avenue PCCE #25 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 Glenwood Avenue PCCE #25 Sanitary Sewer Improvement Project, described as follows:

**GARY THOMAS MOORE AND ROBIN LIPKIN MOORE REVOCABLE TRUST U/T/A
DATED MAY 6, 2015
PARCEL ID: 16-610-00-01-046.00 01
PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI,

BEING A PART OF THE LOTS THIRTEEN (13) AND FOURTEEN (14) OF THE SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5, AND LOT ELEVEN (11) OF THE SUBDIVISION OF LOT 19 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 11, AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4436, PAGE 155, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT (13), SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT TWELVE (12) OF THE SAID SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5; THENCE WITH THE NORTHERLY LINE OF SAID LOT, N88°42'19"W, 19.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID NORTHERLY LINE, S10°57'23"W, 45.84 FEET; THENCE S15°13'46"E, 100.65 FEET; THENCE S74°46'14"W, 16.00 FEET; THENCE N15°13'46"W, 104.37 FEET; THENCE N10°57'23"E, 46.84 FEET TO THE SAID NORTHERLY LINE OF LOT (13); THENCE WITH THE SAID NORTHERLY LINE, S88°42'19"E, 16.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,382 SQUARE FEET.

(ALL BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

**GARY THOMAS MOORE AND ROBIN LIPKIN MOORE REVOCABLE TRUST U/T/A
DATED MAY 6, 2015
PARCEL ID: 16-610-00-01-046.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOTS THIRTEEN (13) AND FOURTEEN (14) OF THE SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5, AND LOT ELEVEN (11) OF THE SUBDIVISION OF LOT 19 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 11, AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4436, PAGE 155, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT (13), SAID POINT ALSO BEING THE SOUTHEASTERLY CORNER OF LOT TWELVE (12) OF THE SAID SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5; THENCE

WITH THE NORTHERLY LINE OF SAID LOT, N88°42'19"W, 16.97 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID NORTHERLY LINE, S10°57'23"W, 45.72 FEET; THENCE S15°13'46"E, 100.18 FEET; THENCE S59°43'50"W, 61.47 FEET TO A POINT ON THE EASTERLY LINE OF THE TRACT DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 4841, PAGE 23 AND SHOWN BY QUARRY HEIGHTS SUBDIVISION PLAT NO. 5, AS RECORDED IN PLAT BOOK 11, PAGE 122; THENCE WITH SAID EASTERLY LINE AND THE EASTERLY LINE OF A TRACT DESCRIBED BY TRUSTEE'S DEED RECORDED IN BOOK 3053, PAGE 119, N1°47'11"E, 173.29 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT (13); THENCE LEAVING THE SAID EASTERLY LINE(S) AND WITH THE SAID NORTHERLY LINE, S88°42'19"E, 11.81 FEET; THENCE LEAVING SAID NORTHERLY LINE, S10°57'23"W, 46.84 FEET; THENCE S15°13'46"E, 104.37 FEET; THENCE N74°46'14"E, 16.00 FEET; THENCE N15°13'46"W, 100.65 FEET; THENCE N10°57'23"E, 45.84 FEET TO THE SAID NORTHERLY LINE OF LOT (13); THENCE WITH SAID NORTHERLY LINE, S88°42'19"E, 2.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,243 SQUARE FEET.

(ALL BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

THOMAS A. LAMBERT
PARCEL ID: 16-610-00-01-033.00 01
PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT TWELVE (12) OF THE SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5, AND BEING DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 3053, PAGE 119, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT (12); THENCE WITH THE SOUTHERLY LINE OF SAID LOT, N88°42'19"W, 19.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID SOUTHERLY LINE, N88°42'19"W, 16.23 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N10°57'23"E, 26.98 FEET; THENCE N7°33'25"W, 48.90 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 15 FEET OF SAID LOT (12) AS SHOWN BY THE SURVEY RECORDED IN BOOK 3421, PAGE 9 AND DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 4522, PAGE 181; THENCE WITH THE SAID

SOUTHERLY LINE, S88°40'45"E, 16.19 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S7°33'25"E, 49.01 FEET; THENCE S10°57'23"W, 26.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,214 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

THOMAS A. LAMBERT
PARCEL ID: 16-610-00-01-033.00 01
TEMPORARY CONSTRUCTION EASEMENT #1

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOTS TWELVE (12) AND THIRTEEN (13) OF THE SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5, AND BEING DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 3053, PAGE 119, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT (12); THENCE WITH THE SOUTHERLY LINE OF SAID LOT, N88°42'19"W, 35.23 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID SOUTHERLY LINE, N88°42'19"W, 11.81 FEET TO THE EASTERLY LINE OF THE WESTERLY 180 FEET OF SAID LOT (13) AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4436, PAGE 155; THENCE LEAVING SAID SOUTHERLY LINE AND WITH SAID EASTERLY LINE, S1°47'11"W, 99.57 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT (13); THENCE LEAVING SAID EASTERLY LINE AND WITH THE SAID SOUTHERLY LINE OF LOT (13), N88°44'41"W, 16.46 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N10°57'23"E, 128.08 FEET; THENCE N7°33'25"W, 48.82 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 15 FEET OF SAID LOT (12) AS SHOWN BY THE SURVEY RECORDED IN BOOK 3421, PAGE 9 AND DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 4522, PAGE 181; THENCE WITH THE SAID SOUTHERLY LINE, S88°40'45"E, 12.15 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S7°33'25"E, 48.90 FEET; THENCE S10°57'23"W, 26.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,748 SQUARE FEET.

THOMAS A. LAMBERT
PARCEL ID: 16-610-00-01-033.00 01
TEMPORARY CONSTRUCTION EASEMENT #2

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT TWELVE (12) OF THE SUBDIVISION OF LOTS 20 AND 21 OF THE SUBDIVISION OF BLOCK 3 OF QUARRY HEIGHTS SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 5, AND BEING DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 3053, PAGE 119, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF SAID LOT (12); THENCE WITH THE SOUTHERLY LINE OF SAID LOT, N88°42'19"W, 16.97 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID SOUTHERLY LINE, N88°42'19"W, 2.03 FEET; THENCE LEAVING SAID SOUTHERLY LINE, N10°57'23"E, 26.86 FEET; THENCE N7°33'25"W, 49.01 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 15 FEET OF SAID LOT (12) AS SHOWN BY SURVEY RECORDED IN BOOK 3421, PAGE 9 AND DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 4522, PAGE 181; THENCE WITH THE SAID SOUTHERLY LINE, S88°40'45"E, 2.02 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S7°33'25"E, 49.02 FEET; THENCE S10°57'23"W, 26.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 152 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

PETER W. KINGMA
PARCEL ID: 16-610-00-01-032.00 01
TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE TRACT SHOWN BY QUARRY HEIGHTS SUBDIVISION PLAT NO. 5, AS RECORDED IN PLAT BOOK 11, PAGE 122 WHICH IS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4841, PAGE 23, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY MOST CORNER OF THE TRACT SHOWN BY SAID QUARRY HEIGHTS SUBDIVISION PLAT NO. 5; THENCE WITH THE EASTERLY LINE OF SAID TRACT, S1°47'11"W, 73.72 FEET; THENCE LEAVING THE SAID EASTERLY LINE, S59°43'50"W, 86.58 FEET; THENCE S24°22'38"W, 64.64 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE M.K.T. TRAIL; THENCE WITH THE SAID NORTHWESTERLY RIGHT-OF-WAY LINE, S55°13'46"W, 49.89 FEET TO A POINT WHERE THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE SAID M.K.T. TRAIL INTERSECTS THE NORTHERLY RIGHT-OF-WAY LINE OF STADIUM

BOULEVARD; THENCE LEAVING THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID M.K.T. TRAIL AND WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE OF STADIUM BOULEVARD, N66°48'26"W, 4.42 FEET; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE OF STADIUM BOULEVARD, N24°22'38"E, 116.97 FEET; THENCE N59°40'27"E, 85.35 FEET; THENCE N10°57'23"E, 54.63 FEET TO THE NORTHERLY LINE OF SAID QUARRY HEIGHTS SUBDIVISION PLAT NO. 5; THENCE WITH SAID NORTHERLY LINE, S88°44'41"E, 16.46 FEET TO THE POINT OF BEGINNING AND CONTAINING 6,764 SQUARE FEET INCLUSIVE OF 1,738 SQUARE FEET OF AN EXISTING 10' SANITARY SEWER EASEMENT AS RECORDED IN BOOK 374, PAGE 262.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

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 6th day of July, 2020.

ATTEST:


City Clerk ~~City Clerk~~ Deputy City Clerk


Mayor and Presiding Officer

APPROVED AS TO FORM:


City Counselor