

025440

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First Reading 8-21-23

Second Reading 9-5-23

Ordinance No. 025440

Council Bill No. B 201-23

AN ORDINANCE

declaring the need to acquire easements for replacement and improvement of public storm drainage infrastructure on Ross Street and William Street; 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 June 5, 2023, the City Council determined it was in the public interest to replace and improve public storm drainage infrastructure on Ross Street and William Street 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 replacement and improvement of public storm drainage infrastructure on Ross Street and William Street, described as follows:

ROLANDO E. AND TERESA G. BARRY
706 INGLESIDE DRIVE
PARCEL ID: 17-405-00-25-027.00 01
TEMPORARY CONSTRUCTION EASEMENT 1

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY,

MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 830 PAGE 712, ALSO BEING A PORTION OF LOT 34 INGLESIDE ADDITION AS SHOWN IN PLAT BOOK 1 PAGE 36, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE TRACT DESCRIBED THE DEED IN BOOK 138 PAGE 433 OF THE BOONE COUNTY RECORDS; ALSO BEING A CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 830 PAGE 712, THENCE WITH THE LINES OF SAID TRACT DESCRIBED BY THE DEED IN BOOK 830 PAGE 712 N.89°30'00"W (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 3.67 FEET TO A POINT ON THE NORTH EAST LINE OF THE EASEMENT DESCRIBED IN BOOK 4180 PAGE 148; THENCE WITH SAID NORTH EAST LINE N.48°17'40"W, 159.83 FEET; THENCE LEAVING SAID NORTH EAST LINE N.90°00'00"E, 30.06 FEET; THENCE S.48°17'40"E, 124.47 FEET; THENCE S.00°00'00"E, 23.55 FEET TO THE POINT OF BEGINNING AND CONTAINING 2886 SQUARE FEET.

ROLANDO E. AND TERESA G. BARRY
706 INGLESIDE DRIVE
PARCEL ID: 17-405-00-25-027.00 01
TEMPORARY CONSTRUCTION EASEMENT 2

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 830 PAGE 712, ALSO BEING A PORTION OF LOT 34 INGLESIDE ADDITION AS SHOWN IN PLAT BOOK 1 PAGE 36, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF THE TRACT DESCRIBED BY THE DEED IN BOOK 138 PAGE 433 OF THE BOONE COUNTY RECORDS; ALSO BEING A CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 830 PAGE 712, THENCE WITH THE LINES OF SAID TRACT DESCRIBED BY THE DEED IN BOOK 830 PAGE 712, N.89°30'50"W (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 3.67 FEET; THENCE N.89°33'50"W, 24.26 FEET TO A POINT ON THE SOUTH WEST LINE OF THE EASEMENT DESCRIBED BY BOOK 4180 PAGE 148 OF THE BOONE COUNTY RECORDS THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH THE LINES OF SAID TRACT N.89°33'50"W, 30.47 FEET; THENCE LEAVING SAID LINES N.46°30'50"W, 72.50 FEET; THENCE N.90°00'00"W, 53.12 FEET TO THE EASTERLY RIGHT-OF-WAY OF SOUTH WILLIAM STREET; THENCE WITH SAID EASTERLY RIGHT-OF-WAY N.01°09'50"E, 69.99 FEET TO A POINT ON THE SOUTH WESTERN LINE OF SAID EASEMENT; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND WITH SAID

EASEMENT LINE S.48°17'40"E, 180.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 4224 SQUARE FEET.

**ZM-1512 ROSS LLC
1512 ROSS STREET
PARCEL ID: 17-405-00-23-052.00 01
TEMPORARY CONSTRUCTION EASEMENT 1**

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4659 PAGE 2, ALSO BEING A PORTION OF LOTS FIFTY-TWO (52) AND FIFTY-THREE (53) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2; THENCE N.66°58'10"W, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 72.78 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.00°16'10"E, 12.91 FEET; THENCE LEAVING SAID WEST LINE S.79°17'40"E, 68.67 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE WITH SAID EAST LINE S.01°07'50"W, 28.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 1402 SQUARE FEET, INCLUSIVE OF 576 SQUARE FEET OF EXISTING UTILITY EASEMENT.

**ZM-1512 ROSS LLC
1512 ROSS STREET
PARCEL ID: 17-405-00-23-052.00 01
TEMPORARY CONSTRUCTION EASEMENT 2**

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4659 PAGE 2, ALSO BEING A PORTION OF LOTS FIFTY-TWO (52) AND FIFTY-THREE (53) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT, THENCE WITH THE EAST LINE OF SAID TRACT N.01°07'50"E, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 28.63 FEET; THENCE N01°07'50"E, 16.23 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE, N.79°17'40"W, 52.64 FEET; THENCE N.00°17'00"E, 46.93 FEET; THENCE S.89°34'30"E, 6.45 FEET; THENCE S.00°32'50"E, 32.62 FEET; THENCE S.83°30'40"E, 45.39 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE WITH SAID EAST LINE S.01°07'50".W 18.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 1098 SQUARE FEET.

ZM-1512 ROSS LLC
1512 ROSS STREET
PARCEL ID: 17-405-00-23-052.00 01
PERMANENT DRAINAGE EASEMENT

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4659 PAGE 2, ALSO BEING A PORTION OF LOTS FIFTY-TWO (52) AND FIFTY-THREE (53) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT, THENCE WITH THE EAST LINE OF SAID TRACT N.01°07'50"E (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 28.63 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING LEAVING SAID EAST LINE N.79°17'40"W, 68.67 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.00°17'30"E, 51.89 FEET; THENCE LEAVING SAID WEST LINE S.89°43'00"E, 16.00 FEET; THENCE S.00°17'00"W, 38.56 FEET; THENCE S.79°17'40"E, 52.64 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE WITH SAID EAST LINE S.01°07'50"W, 16.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 1694 SQUARE FEET INCLUSIVE OF 352 SQUARE FEET OF EXISTING UTILITY EASEMENT.

LYNDEL L. ADKINS AND MARILYN A. ADKINS TRUST
1516 ROSS STREET
PARCEL ID: 17-405-00-23-051.00 01
TEMPORARY CONSTRUCTION EASEMENT 1

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 909 PAGE 220, ALSO BEING A PORTION OF LOT FIFTY-TWO (52) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL

OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT FIFTY-TWO (52) ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH WILLIAM STREET; THENCE WITH THE SOUTH LINE OF SAID LOT 52 N.89°48'40"W (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 65.01 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE WITH THE WEST LINE OF SAID TRACT N.01°07'50".E 28.63 FEET; THENCE LEAVING SAID WEST LINE S.79°17'40"E, 51.96 FEET; THENCE S.53°54'50"E, 16.79 FEET TO A POINT ON THE SAID WEST RIGHT-OF-WAY LINE OF SOUTH WILLIAM STREET; THENCE WITH THE SAID WEST RIGHT-OF-WAY LINE S.01°07'50" W, 9.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 1420 SQUARE FEET.

LYNDEL L. ADKINS AND MARILYN A. ADKINS TRUST
1516 ROSS STREET
PARCEL ID: 17-405-00-23-051.00 01
TEMPORARY CONSTRUCTION EASEMENT 2

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 909 PAGE 220, ALSO BEING A PORTION OF LOT FIFTY-TWO (52) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT FIFTY-TWO (52) ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH WILLIAM STREET, THENCE WITH THE WESTERLY RIGHT-OF-WAY OF SOUTH WILLIAM STREET N.01°07'50"E (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 28.82 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID WEST RIGHT-OF-WAY LINE N.53°54'50"W, 9.21 FEET; THENCE N.79°17'40"W, 58.27 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.01°07'50"E, 18.91 FEET; THENCE LEAVING THE WEST LINE OF SAID TRACT S.83°30'40"E, 65.29 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF SOUTH WILLIAM STREET; THENCE WITH THE WEST RIGHT-OF-WAY LINE S.01°07'50"W, 27.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 1403 SQUARE FEET.

**LYNDEL L. ADKINS AND MARILYN A. ADKINS TRUST
1516 ROSS STREET
PARCEL ID: 17-405-00-23-051.00 01
PERMANENT DRAINAGE EASEMENT**

AN EASEMENT LOCATED IN SECTION EIGHTEEN (18), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE TWELVE (12) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 909 PAGE 220, ALSO BEING A PORTION OF LOT FIFTY-TWO (52) IN BOUCHELLE'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 1 PAGE 17, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT FIFTY-TWO (52) BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTH WILLIAM STREET THENCE WITH THE WESTERLY RIGHT-OF-WAY OF SOUTH WILLIAM STREET N.01°07'50"E (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE), 9.30 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID WESTERLY RIGHT OF WAY LINE N.53°54'50"W, 16.79 FEET; THENCE N.79°17'40"W, 51.96 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.01°07'50"E, 16.23 FEET; THENCE LEAVING SAID WEST LINE S.79°17'40"E, 58.27 FEET; THENCE S.53°54'50"E, 9.21 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE WITH SAID WEST RIGHT-OF-WAY LINE S.01°07'50"W, 19.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 1090 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.

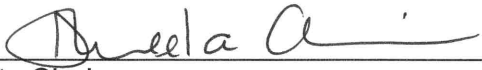
SECTION 3. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the land described in Section 1.

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.

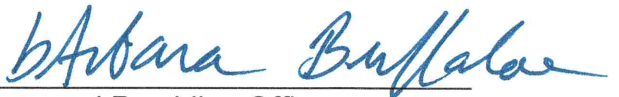
SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this 5th day of September, 2023.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor