

025169

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First Reading 10-3-22

Second Reading 10-17-22

Ordinance No. 025169

Council Bill No. B 288-22

AN ORDINANCE

declaring the need to acquire easements for construction of the Oakland Gravel Road sidewalk project to include construction of a sidewalk on the west side of Oakland Gravel Road between Vandiver Drive and Grizzly Court to close sidewalk gaps, reconstruction of two (2) concrete islands and the installation of audible pedestrian system signals at the intersection of Oakland Gravel Road and Vandiver Drive, and reconstruction of several sidewalk ramps and landings to meet ADA requirements; 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 easements for construction of the Oakland Gravel Road sidewalk project to include construction of a sidewalk on the west side of Oakland Gravel Road between Vandiver Drive and Grizzly Court to close sidewalk gaps, reconstruction of two (2) concrete islands and the installation of audible pedestrian system signals at the intersection of Oakland Gravel Road and Vandiver Drive, and reconstruction of several sidewalk ramps and landings to meet ADA requirements, described as follows:

NATHANIEL GRAHAM AND MARY VOGELSANG GRAHAM

PARCEL: 17-106-00-11-038.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 5031, PAGE 129, SAID TRACT ALSO BEING LOT 38 BARNETT RIDGE SUBDIVISION AS SHOWN IN PLAT BOOK 38, PAGE 96, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 38; THENCE ALONG THE SOUTH LINE OF SAID LOT, N.86°52'50"W, 4.06 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE AND ALONG A NON-TANGENT CURVE TO THE LEFT 14.47 FEET, CURVE RADIUS 1505.90 FEET, (CHORD N.07°27'50"W, 14.47 FEET); THENCE N.08°19'00"W, 4.40 FEET; THENCE N.81°42'20"E, 4.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE S.07°39'10"E, 4.44 FEET TO A TANGENT CURVE TO THE RIGHT 15.23 FEET, CURVE RADIUS 1509.90 FEET, (CHORD S.07°21'50"E, 15.23 FEET) TO THE POINT OF BEGINNING AND CONTAINING 77 SQUARE FEET.

PEGGY A. HENDRICKSON AND ANTHONY E. HENDRICKSON

PARCEL: 17-106-00-11-039.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 2867, PAGE 110, SAID TRACT ALSO BEING LOT 39 BARNETT RIDGE SUBDIVISION AS SHOWN IN PLAT BOOK 38, PAGE 96, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 39; THENCE ALONG THE SOUTH LINE OF SAID LOT, N.82°11'15"W, 4.04 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE AND ALONG A NON-TANGENT CURVE TO THE LEFT 170.20 FEET, CURVE RADIUS 1505.90 FEET, (CHORD N.03°51'55"W, 170.11 FEET) TO THE NORTH LINE OF SAID LOT; THENCE S.86°52'50"E, 4.06 FEET TO THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE AND A NON-TANGENT CURVE TO THE RIGHT 170.53 FEET, CURVE RADIUS 1509.90 FEET, (CHORD S.03°50'35"E, 170.44 FEET) TO THE POINT OF BEGINNING AND CONTAINING 681 SQUARE FEET.

DANA HESS

PARCEL: 17-106-00-11-032.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 3980, PAGE 128, SAID TRACT ALSO BEING LOT 32 BARNETT RIDGE SUBDIVISION AS SHOWN IN PLAT BOOK 38, PAGE 96, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 32; THENCE ALONG THE SOUTH LINE OF SAID LOT, S.84°59'45"W, 4.00 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.07°39'10"W, 40.19 FEET TO THE NORTH LINE OF SAID LOT; THENCE ALONG SAID NORTH LINE S.81°16'30"E, 4.17 FEET TO THE NORTHEAST CORNER OF SAID LOT, ALSO BEING WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE S.07°39'10"E, 39.20 FEET TO THE POINT OF BEGINNING AND CONTAINING 159 SQUARE FEET.

JAMES P. MARCH AND DEBRA L. MARCH

PARCEL: 17-106-00-11-031.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 3640, PAGE 101, SAID TRACT ALSO BEING LOT 31 BARNETT RIDGE SUBDIVISION AS SHOWN IN PLAT BOOK 38, PAGE 96, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 31; THENCE ALONG THE SOUTH LINE OF SAID LOT, N.81°16'30"W, 4.17 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.07°39'10"W, 26.86 FEET TO A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1701.81 FEET; THENCE ALONG SAID CURVE 76.24 FEET (CHORD N.06°22'10"W, 76.23 FEET) TO THE NORTH LINE OF SAID LOT; THENCE ALONG SAID NORTH LINE N.88°59'10"E, 4.01 FEET TO THE NORTHEAST CORNER OF SAID LOT, ALSO BEING WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE WITH A NON-TANGENT CURVE TO THE LEFT 75.77 FEET, CURVE RADIUS 1697.81 (CHORD

S.06°22'30"E, 75.77 FEET); THENCE CONTINUING ALONG SAID WEST LINE S.07°39'10"E, 28.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 414 SQUARE FEET.

WILLY MUHOZA AND JOLIE MILKA

PARCEL: 12-718-00-04-009.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 3566, PAGE 74, SAID TRACT ALSO BEING LOT 9 NORBURY HILL SUBDIVISION AS SHOWN IN PLAT BOOK 36, PAGE 80, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD, S.00°46'20"E, 82.03 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID RIGHT-OF-WAY LINE S.89°13'40"W, 3.58 FEET; THENCE N.00°56'20"W, 17.24 FEET; THENCE N.01°26'00"E, 37.66 FEET; THENCE N.00°43'10"W, 27.14 FEET TO THE NORTH LINE OF SAID LOT 9; THENCE ALONG SAID LINE N.88°59'05"E, 2.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 230 SQUARE FEET.

ELENA M. VEGA AND PATRICK C. WESTHOFF

PARCEL: 12-718-00-03-002.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 3734, PAGE 197, SAID TRACT ALSO BEING LOT 2 MCCALED SUBDIVISION AS SHOWN IN PLAT BOOK 34, PAGE 104, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE ALONG THE SOUTH LINE OF SAID LOT, S.88°59'05"W, 2.15 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.00°43'10"W, 163.83 FEET; THENCE S.89°27'35"W, 8.37 FEET; THENCE N.00°32'25"W, 22.01 FEET; THENCE N.90°00'00"E, 10.28 FEET TO THE WEST LINE OF SAID LOT 2 ALSO BEING THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE

S.00°46'20"E, 185.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 567 SQUARE FEET.

**DAVID BEEM AND THELMA BEEM
PARCEL: 17-106-00-02-003.00 01
PERMANENT STREET EASEMENT #1:**

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 2764, PAGE 39, SAID TRACT ALSO BEING LOT 3 POWELL SUBDIVISION AS SHOWN IN PLAT BOOK 6, PAGE 40, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE QUIT-CLAIM DEED IN BOOK 442, PAGE 738; THENCE ALONG THE SOUTH LINE OF SAID LOT 3, N.88°33'50"W, 4.49 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE AND ALONG A NON-TANGENT CURVE TO THE LEFT 36.54 FEET, CURVE RADIUS 285 FEET, (CHORD N.15°04'20"E, 36.52 FEET) TO THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE S.08°03'20"W, 35.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 65 SQUARE FEET.

**DAVID BEEM AND THELMA BEEM
PARCEL: 17-106-00-02-003.00 01
PERMANENT STREET EASEMENT #2:**

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 2764, PAGE 39, SAID TRACT ALSO BEING LOT 3 POWELL SUBDIVISION AS SHOWN IN PLAT BOOK 6, PAGE 40, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD, S.08°03'20"W, 25.23 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID WEST LINE AND ALONG A NON-TANGENT CURVE TO THE LEFT 25.01 FEET, CURVE RADIUS 285.00 FEET, (CHORD N.02°11'55"E, 25.00 FEET) TO THE NORTH LINE OF SAID LOT;

THENCE ALONG SAID NORTH LINE S.89°56'40"E, 2.58 FEET TO THE TO THE POINT OF BEGINNING AND CONTAINING 28 SQUARE FEET.

DAVID BEEM AND THELMA BEEM

PARCEL: 17-106-00-02-003.00 01

TEMPORARY CONSTRUCTION EASEMENT:

AN EASEMENT LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 2764, PAGE 39, SAID TRACT ALSO BEING LOT 3 POWELL SUBDIVISION AS SHOWN IN PLAT BOOK 6, PAGE 40, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE QUIT-CLAIM DEED IN BOOK 422, PAGE 738; THENCE ALONG THE SOUTH LINE OF SAID LOT 3, N.88°33'50"W, 4.49 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N.88°33'50"W, 4.19 FEET; THENCE LEAVING SAID SOUTH LINE AND ALONG A NON-TANGENT CURVE TO THE LEFT 94.76 FEET, CURVE RADIUS 281.00 FEET, (CHORD N.09°20'20"E, 94.31 FEET) TO THE NORTH LINE OF SAID LOT; THENCE ALONG SAID NORTH LINE S.89°56'40"E, 4.00 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT 25.01 FEET, CURVE RADIUS 285.00 FEET, (CHORD S.02°11'55"W, 25.00 FEET) TO THE WEST RIGHT-OF-WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG SAID WEST LINE S.08°03'20"W, 33.24 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT 36.54 FEET, CURVE RADIUS 285.00 FEET, (CHORD S.15°04'20"W, 36.52 FEET) TO THE POINT OF BEGINNING AND CONTAINING 368 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 17th day of October, 2022.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor