

Introduced by Treece

First Reading 3-7-22

Second Reading 3-21-22

Ordinance No. 024964

Council Bill No. B 74-22

AN ORDINANCE

declaring the need to acquire easements for the installation of audible pedestrian signals with countdown timers, crosswalk markings, and the reconstruction of sidewalk ramps at the intersection of Worley Street and Bernadette Drive and the intersection of Worley Street and West Boulevard; 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 the installation of audible pedestrian signals with countdown timers, crosswalk markings, and the reconstruction of sidewalk ramps at the intersection of Worley Street and Bernadette Drive and the intersection of Worley Street and West Boulevard, described as follows:

**MCLARTY RE, LLC A DELAWARE LIMITED LIABILITY COMPANY
PARCEL ID: 16-216-00-04-001.00 01
A PERMANENT STREET EASEMENT**

AN EASEMENT LOCATED IN SECTION TEN (10), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF A TRACT OF LAND DESCRIBED AS LOT ONE (1) MACHENS SUBDIVISION AS SHOWN IN PLAT BOOK 10, PAGE 95, BEING FURTHER

SHOWN AND DESCRIBED BY SURVEY RECORDED IN BOOK 4509, PAGE 124, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF BERNADETTE DRIVE THENCE WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 2.62 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°35'40"E, 2.62 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTH CORNER OF AN EXISTING SIDEWALK EASEMENT RECORDED IN BOOK 4217, PAGE 115, OF THE BOONE COUNTY RECORDS ALSO BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 7.56 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°56'25"E, 7.56 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.16°24'10"E, 5.27 FEET; THENCE S.74°06'20"E, 8.85 FEET; THENCE S.76°53'30"E, 17.17 FEET; THENCE S.07°22'20"E, 2.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WORLEY STREET; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE N.83°03'00"W, 14.72 FEET TO THE EAST CORNER OF SAID SIDEWALK EASEMENT; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE ALONG NORTH LINE OF SAID SIDEWALK EASEMENT N.71°54'40"W, 13.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 92 SQUARE FEET.

MCLARTY RE, LLC A DELAWARE LIMITED LIABILITY COMPANY
PARCEL ID: 16-216-00-04-001.00 01
A TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION TEN (10), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF A TRACT OF LAND DESCRIBED AS LOT ONE (1) MACHENS SUBDIVISION AS SHOWN IN PLAT BOOK 10, PAGE 95, BEING FURTHER SHOWN AND DESCRIBED BY SURVEY RECORDED IN BOOK 4509, PAGE 124, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF BERNADETTE DRIVE THENCE WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 2.62 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°35'40"E, 2.62 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTH CORNER OF AN EXISTING SIDEWALK EASEMENT RECORDED IN BOOK 4217, PAGE 115, OF THE BOONE COUNTY RECORDS; THENCE CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO

THE RIGHT 7.56 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°56'25"E, 7.56 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 21.21 FEET, CURVE RADIUS 845.27 FEET, CHORD N.08°54'55"E, 21.21 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.16°18'10"E, 26.60 FEET; THENCE S.76°53'30"E, 19.81 FEET; THENCE S.07°22'30"E, 4.81 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WORLEY STREET; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE N.83°03'00"W, 3.00 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N.07°22'20"E, 2.12 FEET; THENCE N.76°53'30"W, 17.17 FEET; THENCE N.74°06'20"W, 8.85 FEET; THENCE N.16°24'10"W, 5.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 224 SQUARE FEET.

AMERICAN CONSTRUCTION COMPANY OF COLUMBIA, LLC.

PARCEL ID: 16-318-00-01-022.00 0 1

A PERMANENT SIDEWALK EASEMENT

AN EASEMENT LOCATED IN SECTION ELEVEN (11), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF LOT ONE (1) IN BLOCK ONE (1) OF WESTERN HEIGHTS, A SUBDIVISION OF LOTS 13, 14, 15, 16, 17, AND THE NORTH PART OF LOTS 8 TO 12, INCLUSIVE, OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 3, PAGE 28, OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WORLEY STREET THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE S.83°17'00"E, 39.56 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE S.74°54'50"W, 26.33 FEET; THENCE N.86°58'50"W, 14.09 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WEST BOULEVARD; THENCE WITH SAID EAST RIGHT-OF-WAY LINE N.01°02'30"E, 10.74 FEET TO THE POINT OF BEGINNING AND CONTAINING 269 SQUARE FEET.

AMERICAN CONSTRUCTION COMPANY OF COLUMBIA, LLC.

PARCEL ID: 16-318-00-01-022.00 0 1

A TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ELEVEN (11), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF LOT ONE (1) IN BLOCK ONE (1) OF WESTERN HEIGHTS, A SUBDIVISION OF LOTS 13, 14, 15, 16, 17, AND THE NORTH PART OF

LOTS 8 TO 12, INCLUSIVE, OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 3, PAGE 28, OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WORLEY STREET THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE S.83°17'00"E, 39.56 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID SOUTH RIGHT-OF-WAY LINE S.83°17'00"E, 8.08 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE S.74°54'50"W, 34.31 FEET; THENCE N.86°58'20"W, 14.46 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WEST BOULEVARD; THENCE WITH SAID EAST RIGHT-OF-WAY LINE N.01°02'30"E, 3.00 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.86°58'50"E, 14.09 FEET; THENCE N.74°54'50"E, 26.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 134 SQUARE FEET.

LARRY DALE O'BANNON AND MARY SUE O'BANNON (HUSBAND AND WIFE)
PARCEL ID: 16-314-00-11-033.00 0 1
A PERMANENT SIDEWALK EASEMENT

AN EASEMENT LOCATED IN SECTION ELEVEN (11), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF LOT ONE (1) IN THE PLAT OF THURSTON'S SUBDIVISION OF LOTS FORTY-TWO (42), FORTY-ONE (41), AND THE WEST HALF (W 1/2) OF LOT FORTY (40) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 3, PAGE 44, OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF WEST BOULEVARD THENCE WITH SAID EAST RIGHT-OF-WAY LINE N.01°03'20"E, 10.65 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.63°31'10"E, 16.93 FEET; THENCE S.08°02'10"E, 5.04 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WORLEY STREET; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE N.83°17'00"W, 16.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 121 SQUARE FEET.

LARRY DALE O'BANNON AND MARY SUE O'BANNON (HUSBAND AND WIFE)
PARCEL ID: 16-314-00-11-033.00 0 1
A TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ELEVEN (11), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF LOT ONE (1) IN THE PLAT OF THURSTON'S SUBDIVISION OF LOTS FORTY-TWO (42), FORTY-ONE (41), AND THE WEST HALF (W 1/2) OF LOT FORTY (40) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS SHOWN IN PLAT BOOK 3, PAGE 44, OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF WEST BOULEVARD THENCE WITH SAID EAST RIGHT-OF-WAY LINE N.01°03'20"E, 10.65 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE N.01°03'20"E, 3.32 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.63°31'10"E, 19.93 FEET; THENCE S.08°02'10"E, 7.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WORLEY STREET; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE N.83°17'00"W, 3.10 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE N.08°02'10"W, 5.04 FEET; THENCE N.63°31'10"W, 16.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 74 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 21st day of March, 2022.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor