

024962

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First Reading 3-7-22

Second Reading 3-21-22

Ordinance No. 024962

Council Bill No. B 72-22

AN ORDINANCE

declaring the need to acquire certain easements for construction of portions of sidewalk, pedestrian crossings and pedestrian crosswalks along the west side of North Stadium Boulevard (Route E) between the I-70 overpass and Cottle 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, 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 portions of sidewalk, pedestrian crossings and pedestrian crosswalks along the west side of North Stadium Boulevard (Route E) between the I-70 overpass and Cottle Drive, described as follows:

**Deandra L. Cassone, trustee of the Deandra L. Cassone Living Trust and Lisa A. Lacey
Parcel: 16-211-00-08-006.00 01
Temporary Construction Easement**

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 4817 AT PAGE 123, ALSO BEING, LOT 6 OF TIMBER CREEK SUBDIVISION AS RECORDED IN PLAT BOOK 38, PAGE 35, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE ALONG THE EAST LINE OF SAID LOT, ALSO BEING THE WESTERN RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD, S.00°46'50"W, 102.54 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE 30.50 FEET ALONG A CURVE TO THE RIGHT, CURVE RADIUS 30.00 FEET, CHORD S.31°21'15"W, 30.50 FEET; THENCE LEAVING THE SOUTH LINE OF SAID LOT 6 N.28°05'30" W., 6.00 FEET; THENCE 25.60 FEET ALONG A NON-TANGENT CURVE TO THE LEFT, CURVE RADIUS 24.00 FEET, CHORD N.31°21'15"E, 24.40 FEET; THENCE N.00°46'50"E., 103.13 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 6; THENCE WITH THE NORTH LINE OF SAID LOT 6 S.83°33'10"E, 6.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 789 SQUARE FEET.

PATRICIA W. POWELL & DAVID T. POWELL
PARCEL: 16-207-00-00-007.00 01
PERMANENT SIDEWALK EASEMENT

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 5549 PAGE 47, ALSO BEING THE TRACT AS SHOWN BY THE SURVEY IN BOOK 316 PAGE 203, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE ALONG THE SOUTH LINE OF SAID TRACT N.87°32'50"W, 21.16 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE, N.39°49'30"E, 35.04 FEET TO A POINT ON THE EAST LINE OF SAID TRACT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD; THENCE WITH SAID EAST LINE S.02°40'50"W, 27.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 295 SQUARE FEET.

PATRICIA W. POWELL & DAVID T. POWELL
PARCEL: 16-207-00-00-007.00 01
TEMPORARY CONSTRUCTION EASEMENT # 1

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 5549 PAGE 47, ALSO BEING THE TRACT AS SHOWN BY THE SURVEY IN BOOK 316 PAGE 203, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE WITH THE SOUTH LINE OF SAID TRACT N.87°32'50"W, 21.16 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 LINE N.87°32'50"W, 5.03 FEET; THENCE LEAVING SAID SOUTH LINE N.39°49'30"E., 43.38 FEET TO A POINT ON THE EAST LINE OF SAID TRACT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD; THENCE WITH SAID EAST LINE S.02°40'50"W 6.62 FEET; THENCE LEAVING SAID EAST LINE S.39°49'30"W., 35.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 157 SQUARE FEET.

PATRICIA W. POWELL & DAVID T. POWELL
PARCEL: 16-207-00-00-007.00 01
TEMPORARY CONSTRUCTION EASEMENT # 2

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 5549 PAGE 47, ALSO BEING THE TRACT AS SHOWN BY THE SURVEY IN BOOK 316 PAGE 203, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE WITH THE EAST LINE OF SAID TRACT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD N.02°40'50"E, 27.85 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE CONTINUING WITH SAID EAST LINE N.02°40'50"E, 6.62 FEET; THENCE CONTINUING WITH SAID EAST LINE N.02°40'50"E, 57.73 FEET, TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE; N.86°38'25"W., 8.55 FEET; THENCE N.02°55'10"E, 26.86 FEET; THENCE S.87°59'15"E, 8.43 FEET TO A POINT ON SAID EAST LINE; THENCE WITH SAID EAST LINE S.02°40'50"W, 27.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 229 SQUARE FEET.

AMERICA TRUCK REPAIR LLC
PARCEL: 16-207-00-00-009.00 01
PERMANENT SIDEWALK EASEMENT # 1

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS A TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 4714 PAGE 132, SAID TRACT ALSO BEING TRACT 1 OF THE SURVEY IN BOOK 289 PAGE 188 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 1; THENCE WITH THE EAST LINE OF SAID TRACT 1, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD S.02°37'35"W, 7.81 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING THE SAID EAST LINE OF SAID TRACT 1 N.74°48'25"W, 15.89 FEET; THENCE N.02°29'30"E., 4.35 FEET TO THE NORTH LINE OF SAID TRACT 1; THENCE WITH SAID EAST LINE S.87°22'25"E, 15.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 94 SQUARE FEET.

**AMERICAN TRUCK REPAIR LLC
PARCEL: 16-207-00-00-009.00 01
TEMPORARY CONSTRUCTION EASEMENT # 1**

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS A TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 4714 PAGE 132, SAID TRACT ALSO BEING TRACT 1 OF THE SURVEY IN BOOK 289 PAGE 188 ALL OF THE BOONE COUNTY RECORDS;; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID TRACT 1; THENCE WITH THE EAST LINE OF SAID TRACT 1, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD S.02°37'35"W, 7.81 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 LINE S.02°37'35"W., 4.10 FEET; THENCE LEAVING SAID EAST LINE N.74°48'25"W, 19.98 FEET; THENCE N.,02°29'30"E, 7.56 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 1; THENCE WITH SAID NORTH LINE S.87°22'25"E, 4.01 FEET; THENCE LEAVING SAID NORTHLINE N.02°29'30"E, 4.35 FEET; THENCE N.,74°48'25"W.,15.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 96 SQUARE FEET.

**AMERICAN TRUCK REPAIR LLC
PARCEL: 16-207-00-00-008.00 01
PERMANENT SIDEWALK EASEMENT # 2**

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4714 PAGE 132, SAID TRACT ALSO BEING TRACT 2 OF THE SURVEY IN BOOK 289 PAGE 188 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF SAID TRACT 2; THENCE WITH THE SOUTH LINE OF SAID TRACT 2 N.87°22'25"W, 15.51 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.02°29'30"E, 50.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE WITH SAID NORTH LINE S.87°22'25"E, 15.84 FEET TO THE NORTH EAST CORNER OF SAID TRACT 2; THENCE WITH THE EAST LINE OF SAID TRACT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH STADIUM BOULEVARD S.02°51'40"W, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 784 SQUARE FEET.

**AMERICAN TRUCK REPAIR LLC
PARCEL: 16-207-00-00-008.00 01
PERMANENT STREET EASEMENT # 2**

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4714 PAGE 132, SAID TRACT ALSO BEING TRACT 2 OF THE SURVEY IN BOOK 289 PAGE 188 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING SOUTHEAST CORNER OF SAID TRACT 2; THENCE WITH THE SOUTH LINE OF SAID TRACT 2 N.87°22'25"W., 15.51 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 LINE N.87°22'25"W, 4.01 FEET; THENCE LEAVING SAID SOUTH LINE N.02°29'30"E, 13.71 FEET; THENCE S.87°30'30"E., 4.00 FEET; THENCE S.02°27'00"W., 13.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 55 SQUARE FEET.

**MISSOURI VALLEY PROPERTIES L.L.C. A MISSOURI LIMITED LIABILITY COMPANY
16-207-00-02-194.00 01
PERMANENT SIDEWALK EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 5242 PAGE 32, SAID TRACT ALSO BEING DESCRIBED AS LOT 305 VALLEY VIEW GARDENS PLAT 13 AS SHOWN IN PLAT BOOK 20 PAGE 28 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT THE NORTHEAST CORNER OF SAID LOT 305; THENCE WITH THE EAST LINE OF SAID LOT 305, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF

NORTH STADIUM BOULEVARD 28.12 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, CURVE RADIUS 30.00 FEET, CHORD S.08°42'15"E, 27.10 FEET; (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE CONTINUING WITH SAID EAST LINE S.18°09'00"W, 3.41 FEET; THENCE LEAVING SAID EAST LINE N.03°50'15"W, 4.91 FEET; THENCE N.39°08'55"W., 30.08 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 305; THENCE WITH SAID NORTH LINE N.83°39'35"E., 16.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 285 SQUARE FEET.

**MISSOURI VALLEY PROPERTIES L.L.C. A MISSOURI LIMITED LIABILITY COMPANY
16-207-00-02-194.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 5242 PAGE 32, SAID TRACT ALSO BEING DESCRIBED AS LOT 305 VALLEY VIEW GARDENS PLAT 13 AS SHOWN IN PLAT BOOK 20 PAGE 28 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 305; THENCE WITH THE EAST LINE OF SAID LOT 305, ALSO BEING THE SOUTH RIGHT OF WAY LINE OF NORTH STADIUM BOULEVARD 28.12 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT, CURVE RADIUS 30.00 FEET, CHORD S.08°42'15"E, 27.10 FEET; (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE CONTINUING WITH SAID EAST LINE S.18°09'00"W, 3.41 FEET TO THE POINT OF BEGINNING THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID EAST LINE S.18°09'00"W., 10.68 FEET; THENCE LEAVING SAID EAST LINE, N.03°54'20"W, 13.69 FEET; THENCE N.39°14'30"W, 31.24 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 305; THENCE WITH SAID NORTH LINE N.83°39'35"E, 4.73 FEET; THENCE LEAVING SAID NORTH LINE S.39°08'55"E, 30.08 FEET; THENCE S.03°50'15"E, 4.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 158 SQUARE FEET.

**LINDA S CANNON LIVING TRUST DATED OCTOBER 15, 2007
PARCEL: 16-207-00-11-001.00 01
PERMANENT SIDEWALK EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS A TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4629 AT PAGE 105, SAID TRACT ALSO BEING LOT 1 VALLEY VIEW POINT SUBDIVISION, AS SHOWN IN PLAT BOOK 49 PAGE 20, ALL OF THE BOONE

COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF SAID LOT 1; THENCE WITH THE SOUTH LINE OF SAID LOT 1, S.83°39'35"W, 2.45 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.39°08'55"W, 4.90 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 ALSO BEING THE SOUTH RIGHT -OF-WAY LINE OF NORTH STADIUM BOULEVARD; THENCE WITH SAID NORTH LINE WITH A NON-TANGENT CURVE TO THE LEFT 6.56 FEET, CURVE RADIUS 1005.37 FEET, CHORD S.57°28'20"E, 6.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 5 SQUARE FEET.

LINDA S CANNON LIVING TRUST DATED OCTOBER 15, 2007

PARCEL: 16-207-00-11-001.00 01

TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS A TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4629 AT PAGE 105, SAID TRACT ALSO BEING LOT 1 VALLEY VIEW POINT SUBDIVISION, AS SHOWN IN PLAT BOOK 49 PAGE 20, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTH EAST CORNER OF SAID LOT 1; THENCE WITH THE SOUTH LINE OF SAID LOT 1, S.83°39'35"W, 2.45 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 AND CONTINUING WITH SAID SOUTH LINE S.83°39'35"W, 4.73 FEET; THENCE LEAVING SAID SOUTH LINE N.39°14'30"W, 14.82 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1 ALSO BEING THE SOUTH RIGHT -OF-WAY LINE OF NORTH STADIUM BOULEVARD; THENCE WITH SAID NORTH LINE WITH A NON-TANGENT CURVE TO THE LEFT 13.10 FEET, CURVE RADIUS 1005.37, CHORD S.56°54'50"E, 13.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 39 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