

024100
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Ordinance No. 024100

Council Bill No. B 352-19

AN ORDINANCE

declaring the need to acquire certain interests in real property for construction of a storm drain replacement project on a portion of South Greenwood Avenue; 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 July 1, 2019, the City Council determined it was in the public interest to construct a storm drain replacement project on a portion of South Greenwood Avenue, which involves the rehabilitation of approximately 250 linear feet of failing metal storm drain pipe and two (2) inlets, 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 property for construction of a storm drain replacement project on a portion of South Greenwood Avenue, described as follows:

**PERMANENT DRAINAGE EASEMENT
CHRIS J. MARTIN
PARCEL ID: 16-610-00-00-022.00 01**

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

BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT F OF THE SURVEY RECORDED IN BOOK 279, PAGE 397, SAID TRACT BEING FURTHER DESCRIBED AS BEING THE NORTH 15 FEET OF A SURVEY RECORDED IN BOOK 422, PAGE 708 AS SHOWN BY THE SURVEY RECORDED IN BOOK 491, PAGE 581, AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 5099, PAGE 10, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF A TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 727, PAGE 474; SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE, S1°02'30"W, 10.97 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID WESTERLY RIGHT-OF-WAY LINE, S1°02'30"W, 4.03 FEET TO THE NORTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3869, PAGE 25; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE AND WITH SAID NORTH LINE, N82°21'15"W, 148.57 FEET; THENCE LEAVING SAID NORTH LINE, N29°52'30"E, 15.74 FEET; THENCE S59°07'45"E, 26.79 FEET; THENCE S82°21'15"E, 117.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 744 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT

CHRIS J. MARTIN

PARCEL ID: 16-610-00-00-022.00 01

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT F OF THE SURVEY RECORDED IN BOOK 279, PAGE 397, SAID TRACT BEING FURTHER DESCRIBED AS BEING THE NORTH 15 FEET OF A SURVEY RECORDED IN BOOK 422, PAGE 708 AS SHOWN BY THE SURVEY RECORDED IN BOOK 491, PAGE 581, AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 5099, PAGE 10, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF A TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 727, PAGE 474; SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE, S1°02'30"W, 10.97 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N82°21'15"W, 117.53 FEET; THENCE N59°07'45"W, 26.79 FEET; THENCE S29°52'30"W, 15.74 FEET TO THE NORTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED

RECORDED IN BOOK 3869, PAGE 25; THENCE WITH SAID NORTH LINE, N82°21'15"W, 7.05 FEET; THENCE LEAVING SAID NORTH LINE, N8°18'35"E, 14.90 FEET TO THE SOUTHERLY LINE OF THE SAID TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 727, PAGE 474; THENCE WITH SAID SOUTHERLY LINE, S82°21'15"E, 153.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,561 SQUARE FEET.

**PERMANENT DRAINAGE EASEMENT
THE RUTH E. MILUSKI REVOCABLE LIVING TRUST
PARCEL ID: 16-610-00-00-014.00 01**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE SURVEY RECORDED IN BOOK 263, PAGE 254, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3148, PAGE 72, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH THE WEST LINE OF SAID WARRANTY DEED AND SAID EASTERLY RIGHT-OF-WAY LINE, N0°56'55"E, 24.28 FEET; THENCE LEAVING SAID WEST LINE AND EASTERLY RIGHT-OF-WAY LINE, S75°25'00"E, 90.98 FEET; THENCE S55°59'20"E, 31.17 FEET TO THE SOUTH LINE OF SAID WARRANTY DEED; THENCE WITH SAID SOUTH LINE, N81°59'55"W, 115.41 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,862 SQUARE FEET.

**TEMPORARY CONSTRUCTION EASEMENT
THE RUTH E. MILUSKI REVOCABLE LIVING TRUST
PARCEL ID: 16-610-00-00-014.00 01**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE SURVEY RECORDED IN BOOK 263, PAGE 254, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3148, PAGE 72, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED

UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH THE WEST LINE OF SAID WARRANTY DEED AND SAID EASTERLY RIGHT-OF-WAY LINE, N0°56'55"E, 24.28 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID WEST LINE AND SAID EASTERLY RIGHT-OF-WAY LINE, N0°56'55"E, 7.63 FEET; THENCE LEAVING SAID WEST LINE AND EASTERLY RIGHT-OF-WAY LINE, S66°32'30"E, 35.89 FEET; THENCE S86°29'00"E, 42.31 FEET; THENCE S6°56'15"E, 4.95 FEET; THENCE S80°25'30"E, 23.15 FEET; THENCE S44°37'55"E, 32.95 FEET TO THE SOUTH LINE OF SAID WARRANTY DEED; THENCE WITH SAID SOUTH LINE, N81°59'55"W, 8.05 FEET; THENCE LEAVING SAID SOUTH LINE, N55°59'20"W, 31.17 FEET; THENCE N75°25'00"W, 90.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 769 SQUARE FEET.

**PERMANENT DRAINAGE EASEMENT
KAREN S. SCHWEBEL and CAROL S. UNSICKER
PARCEL ID: 16-610-00-00-021.00 01**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT F OF THE SURVEY RECORDED IN BOOK 279, PAGE 397, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3869, PAGE 25, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE, S1°02'30"W, 21.15 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N81°38'50"W, 105.77 FEET; THENCE N59°07'45"W, 49.96 FEET TO THE NORTH LINE OF SAID WARRANTY DEED; THENCE WITH SAID NORTH LINE, S82°21'15"E, 149.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,579 SQUARE FEET.

**TEMPORARY CONSTRUCTION EASEMENT
KAREN S. SCHWEBEL and CAROL S. UNSICKER
PARCEL ID: 16-610-00-00-021.00 01**

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

RECORDED IN BOOK 279, PAGE 397, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3869, PAGE 25, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE, S1°02'30"W, 21.15 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, N81°38'50"W, 35.62 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, S54°39'35"W, 20.25 FEET; THENCE N81°34'30"W, 21.96 FEET; THENCE N8°25'30"E, 10.34 FEET; THENCE N81°34'30"W, 86.07 FEET; THENCE N8°18'35"E, 22.57 FEET TO THE NORTH LINE OF SAID WARRANTY DEED; THENCE WITH SAID NORTH LINE, S82°21'15"E, 6.37 FEET; THENCE LEAVING SAID NORTH LINE, S59°07'45"E, 49.96 FEET; THENCE S81°38'50"E, 70.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,280 SQUARE FEET.

**PERMANENT DRAINAGE EASEMENT
JUNG HYUP KIM AND SUN KYUNG JUN
PARCEL ID: 16-610-00-00-015.00 01**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT #2 AND TRACT #3 OF THE SURVEY RECORDED IN BOOK 308, PAGE 215, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4197, PAGE 9, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH THE NORTH LINE OF SAID WARRANTY DEED, S81°59'55"E, 114.75 FEET; THENCE LEAVING SAID NORTH LINE, S35°45'30"W, 27.03 FEET; THENCE N63°07'25"W, 67.75 FEET; THENCE N81°59'55"W, 37.81 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE WITH SAID EASTERLY RIGHT-OF-WAY LINE, N0°56'55"E, 2.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,057 SQUARE FEET.

**TEMPORARY CONSTRUCTION EASEMENT
JUNG HYUP KIM AND SUN KYUNG JUN
PARCEL ID: 16-610-00-00-015.00 01**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT #2 AND TRACT #3 OF THE SURVEY RECORDED IN BOOK 308, PAGE 215, AS DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4197, PAGE 9, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED; SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF S. GREENWOOD AVENUE (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION); THENCE WITH THE NORTH LINE OF SAID WARRANTY DEED, S81°59'55"E, 114.75 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID NORTH LINE, S81°59'55"E, 9.04 FEET; THENCE LEAVING SAID NORTH LINE, S35°46'20"W, 31.00 FEET; THENCE N63°07'25"W, 20.15 FEET; THENCE N80°42'10"W, 63.30 FEET; THENCE N0°11'40"W, 17.66 FEET; THENCE S81°59'55"E, 13.59 FEET; THENCE S63°07'25"E, 67.75 FEET; THENCE N35°45'30"E, 27.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 956 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 2nd day of December, 2019.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor