

024171
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First Reading 2-3-20

Second Reading 2-17-20

Ordinance No. 024171

Council Bill No. B 34-20

AN ORDINANCE

declaring the need to acquire easements for construction of the Grace Ellen Drive PCCE #27 Sanitary Sewer Improvement Project; 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 October 21, 2019, the City Council determined it was in the public interest to construct the Grace Ellen Drive PCCE #27 Sanitary Sewer Improvement Project 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 the Grace Ellen Drive PCCE #27 Sanitary Sewer Improvement Project, described as follows:

**TREY DOCKERY
(2213 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-00-040.00 01
PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE WARRANTY

DEED RECORDED IN BOOK 5129, PAGE 55, SAID TRACT ALSO BEING A PORTION OF TRACT SIX (6) OF THE SURVEY RECORDED IN BOOK 289, PAGE 475 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT SIX (6), ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE (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 SAID NORTHERLY RIGHT-OF-WAY LINE, N79°55'06"W, 18.19 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, N0°31'17"E, 5.21 FEET; THENCE S88°44'36"E, 17.94 FEET TO THE EASTERLY LINE OF SAID TRACT SIX (6); THENCE WITH THE SAID EASTERLY LINE, S0°31'17"W, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 119 SQUARE FEET.

**TREY DOCKERY
(2213 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-00-040.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE WARRANTY DEED RECORDED IN BOOK 5129, PAGE 55, SAID TRACT ALSO BEING A PORTION OF TRACT SIX (6) OF THE SURVEY RECORDED IN BOOK 289, PAGE 475 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT SIX (6), ON THE NORTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; (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 SAID NORTHERLY RIGHT-OF-WAY LINE, N79°55'06"W, 18.19 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE, N79°55'06"W, 5.07 FEET; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE, N0°31'17"E, 24.43 FEET; THENCE S88°44'36"E, 22.94 FEET TO THE EASTERLY LINE OF SAID TRACT SIX (6); THENCE WITH THE SAID EASTERLY LINE, S0°31'17"W, 20.00 FEET; THENCE LEAVING THE SAID EASTERLY LINE, N88°44'36"W, 17.94 FEET; THENCE S0°31'17"W, 5.21

FEET TO THE POINT OF BEGINNING AND CONTAINING 483 SQUARE FEET.

**SORN HING AND VANN KEO, HUSBAND AND WIFE
(3801 OAKLAND GRAVEL ROAD)
PARCEL ID: 12-714-00-02-015.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEASTQUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF LOT EIGHTEEN (18) OF SEARVILLE SUBDIVISION PLAT NO. 2 AS RECORDED IN PLAT BOOK 17, PAGE 8, SAID LOT BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1654, PAGE 130, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT EIGHTEEN; (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 WESTERLY LINE OF SAID LOT, N0°30'34"E, 10.00 FEET; THENCE LEAVING THE WESTERLY LINE OF SAID LOT, S88°48'57"E, 8.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, N0°30'34"E, 13.05 FEET; THENCE S88°48'57"E, 10.00 FEET; THENCE S0°30'34"W, 13.05 FEET; THENCE N88°48'57"W, 10.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 130 SQUARE FEET.

**Kyle McAllister
(4001 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-01-001.00 01
PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE LOT SHOWN BY GRACE ELLEN SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGE 45, SAID LOT BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4444, PAGE 102, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT ON THE WESTERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; (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 LOT, N43°56'40"W, 10.05 FEET; THENCE LEAVING SAID NORTH LINE, S40°04'05"W, 14.71 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, S40°04'05"W, 16.27 FEET; THENCE N39°33'55"W, 16.37 FEET; THENCE N62°02'39"E, 16.33 FEET; THENCE S39°33'55"E, 10.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 212 SQUARE FEET.

Kyle McAllister
(4001 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-01-001.00 01
TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE LOT SHOWN BY GRACE ELLEN SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGE 45, SAID LOT BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4444, PAGE 102, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID LOT ON THE WESTERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; (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 LOT, N43°56'40"W, 10.05 FEET; THENCE LEAVING SAID NORTH LINE, S40°04'05"W, 30.98 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, S40°04'05"W, 15.25 FEET; THENCE N39°33'55"W, 22.20 FEET; THENCE N62°02'39"E, 15.31 FEET; THENCE S39°33'55"E, 16.37 FEET TO THE POINT OF BEGINNING AND CONTAINING 289 SQUARE FEET.

ROBERT J. GILES and BARBARA J. GILES
CO-TRUSTEES OF THE ROGER-BARBARA GILES TRUST
(4028 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-00-053.00 01
PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT ONE (1) OF

THE SURVEY RECORDED IN BOOK 308, PAGE 297, SAID TRACT ONE (1) BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3843, PAGE 149, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY MOST CORNER OF SAID TRACT ONE (1), ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; (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 EASTERLY LINE OF SAID TRACT ONE (1), S0°34'57"E, 91.35 FEET; THENCE LEAVING THE SAID EASTERLY LINE, N6°43'37"W, 89.54 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, N75°48'40"E, 9.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 438 SQUARE FEET.

**ROBERT J. GILES and BARBARA J. GILES
CO-TRUSTEES OF THE ROGER-BARBARA GILES TRUST
(4028 GRACE ELLEN DRIVE)
PARCEL ID: 12-714-00-00-053.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF TRACT ONE (1) OF THE SURVEY RECORDED IN BOOK 308, PAGE 297, SAID TRACT ONE (1) BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3843, PAGE 149, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY MOST CORNER OF SAID TRACT ONE (1), ON THE SOUTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; (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 SAID SOUTHERLY RIGHT-OF-WAY LINE, S75°48'40"W, 9.86 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S6°43'37"E, 89.54 FEET; THENCE N9°48'22"W, 35.22 FEET; THENCE N35°02'35"W, 21.77 FEET; THENCE N12°04'06"W, 33.35 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF GRACE ELLEN DRIVE; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, N75°48'40"E, 15.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 641 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 February, 2020.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor