

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 131-24

AN ORDINANCE

amending Ordinance No. 025620 to correct a scrivener’s error in a legal description associated with the Route K and Old Plank Road roundabout and sidewalk project; authorizing the acquisition of an additional water line easement; 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, Ordinance No. 025620 passed on April 1, 2024 authorized the acquisition of certain interests in private property for construction of a single-lane roundabout with splitter islands and sidewalk at the intersection of Route K and Old Plank Road; and

WHEREAS, following the passage of Ordinance 025620, it was determined the legal description for the right of way acquisition from Oil Investments RTK LLC contained a scrivener’s error regarding the total square feet to be acquired from Oil Investments RTK LLC for the project; and

WHEREAS, the property interest to be acquired for the property owned by Oil Investments RTK LLC for the street right of way requires modification to address the error in that portion of the legal description stating the total square feet to be acquired for the right of way by changing the total square feet from 10,900 square feet to 10,986 square feet; and

WHEREAS, during the design process for the Route K and Old Plank Road roundabout and sidewalk project, it was also determined a permanent water line easement needs to be acquired from Oil Investments RTK LLC to accommodate the relocation of an existing water line; and

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 the water line easement 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. Section 1 of Ordinance No. 025620 is amended by deleting and replacing that portion of the MoDOT street right-of-way legal description to be acquired from Oil Investments RTK LLC (Parcel: 20-313-11-04-001.00 01) with the following:

**OIL INVESTMENTS RTK LLC
PARCEL: 20-313-11-04-001.00 01
MODOT STREET RIGHT OF WAY**

A TRACT LOCATED IN THE NORTHEAST QUARTER OF SECTION 10 AND THE NORTHWEST QUARTER OF SECTION 11, ALL OF TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4972, PAGE 174, ALSO BEING PART OF LOT 1 OF GODAS' LEATHERWOOD CENTER AS SHOWN IN PLAT BOOK 41, PAGE 57, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE POINT OF COMMENCEMENT, BEING THE SOUTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE NORTH RIGHT-OF-WAY OF STATE ROUTE K, N.61°59'50"W (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE), 205.71 FEET; THENCE ALONG A CURVE TO THE LEFT 193.31 FEET, CURVE RADIUS 1004.93 FEET, CHORD N.67°29'10"W, 193.01 FEET; THENCE CONTINUING ALONG SAID CURVE TO THE LEFT 24.49 FEET, CURVE RADIUS 1004.93 FEET, CHORD N.73°41'45"W, 24.49 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID SOUTH LINE, ALONG A CURVE TO THE LEFT 153.06 FEET, CURVE RADIUS 1004.93 FEET, CHORD N.78°45'25"W, 152.91 FEET; THENCE ALONG A CURVE TO THE RIGHT 125.85 FEET, CURVE RADIUS 50.00 FEET, CHORD N.11°00'50"W, 95.16 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE WITH SAID NORTH LINE, N.61°05'30"E, 78.36 FEET; THENCE LEAVING SAID NORTH LINE, S 09°52'00" W, 28.80 FEET; THENCE S 09°28'40" E, 83.18 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, 21.41 FEET, CURVE RADIUS 99.56 FEET, CHORD S 56°37'05" E, 21.37 FEET; THENCE S.61°55'00"E, 82.69 FEET TO THE POINT OF BEGINNING AND CONTAINING (10,986 SQUARE FEET), 0.25 ACRES (INCLUSIVE OF 5,702 SQUARE FEET OF EXISTING UTILITY EASEMENT).

SECTION 2. The City Council hereby declares the need to acquire a permanent water line easement associated with the Route K and Old Plank Road roundabout and sidewalk project, described as follows:

OIL INVESTMENTS RTK LLC
PARCEL: 20-313-11-04-001.00 01
PERMANENT WATER LINE EASEMENT

A TRACT LOCATED IN THE NORTHWEST QUARTER OF SECTION 11, AND THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 47 NORTH, RANGE 13 WEST, ALL IN BOONE COUNTY, MISSOURI, BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4972 PAGE 174, ALSO BEING PART OF LOT 1 GODAS' LEATHERWOOD CENTER AS SHOWN IN PLAT BOOK 41 PAGE 57, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING FROM THE POINT OF COMMENCEMENT, BEING THE SOUTHEAST CORNER OF SAID LOT 1, THENCE ALONG THE SOUTH LINE OF SAID LOT 1, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE K, N.61°59'50"W (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE), 205.71 FEET; THENCE WITH A CURVE TO THE LEFT 217.81 FEET, CURVE RADIUS 1004.93 FEET, CHORD N.68°11'00"W, 217.38 FEET; THENCE LEAVING SAID SOUTH LINE N.61°55'00"W, 79.08 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING N.61°55'00"W, 3.61 FEET; THENCE WITH A CURVE TO THE RIGHT 21.41 FEET, CURVE RADIUS 99.56 FEET, CHORD N.56°37'00"W, 21.37 FEET; THENCE N.09°28'40"W, 83.18 FEET; THENCE N.09°52'00"E, 28.80 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE WITH SAID NORTH LINE N.61°05'30"E, 25.65 FEET; THENCE LEAVING SAID NORTH LINE S.09°52'00"W, 41.45 FEET; THENCE S.09°28'40"E, 71.05 FEET; THENCE S.56°36'20"E, 11.67 FEET; THENCE S.61°55'00"E, 79.63 FEET TO A POINT ON THE NORTH LINE OF THE UTILITY EASEMENT AS SHOWN BY SAID GODAS' LEATHERWOOD CENTER; THENCE WITH SAID NORTH LINE ALONG A NON TANGENT CURVE TO THE LEFT 79.49 FEET, CURVE RADIUS 1024.93, CHORD N.76°29'40"W, 79.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,375 SQUARE FEET (INCLUSIVE OF 513 SQUARE FEET OF EXISTING UTILITY EASEMENT) .

SECTION 3. The City Manager is authorized to acquire the land described in Section 2 by negotiation or by the exercise of the power of eminent domain as set forth in Section 5 hereof.

SECTION 4. 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 5. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 2, 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 2 by condemnation.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2024.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor