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Ordinance No. 023737

Council Bill No. B 313-18

AN ORDINANCE

declaring the need to acquire certain interests in real property for construction of the Bingham Road and Ridgeley Road PCCE #16, Phase 2 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, 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 Bingham Road and Ridgeley Road PCCE #16, Phase 2 sanitary sewer improvement project, described as follows:

**PERMANENT SEWER EASEMENT
PARCEL ID: 16-611-00-01-085.00 01
RYAN C. KIND REVOCABLE TRUST**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4826, PAGE 204, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN MOST CORNER OF THE SAID TRACT; THENCE WITH THE NORTHERLY LINE OF SAID TRACT, N86°42'15"E, 11.43 FEET;

THENCE LEAVING THE SAID NORTHERLY LINE, S8°20'55"E, 134.03 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF RIDGELEY ROAD; THENCE WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE, 7.75 FEET ALONG A 772.52-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S80°34'45"W, 7.75 FEET TO THE WESTERLY LINE OF SAID TRACT; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE AND WITH THE SAID WESTERLY LINE, N9°53'10"W, 135.23 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,287 SQUARE FEET

**TEMPORARY CONSTRUCTION EASEMENT
PARCEL ID: 16-611-00-01-085.00 01
RYAN C. KIND REVOCABLE TRUST**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4826, PAGE 204, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERN MOST CORNER OF THE SAID TRACT; THENCE WITH THE NORTHERLY LINE OF SAID TRACT, N86°42'15"E, 11.43 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE NORTHERLY LINE OF SAID TRACT, N86°42'15"E, 14.07 FEET; THENCE LEAVING THE SAID NORTHERLY LINE, S8°16'25"E, 132.72 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF RIDGELEY ROAD; THENCE WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE, 13.85 FEET ALONG A 772.52 -FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, S81°22'50"W, 13.85 FEET; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE, N8°20'55"W, 134.03 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,858 SQUARE FEET.

**TEMPORARY CONSTRUCTION EASEMENT
PARCEL ID: 16-611-00-01-102.01 01
THOMAS M. KAYSER AND LISA E. KAYSER REVOCABLE TRUST**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 4119, PAGE 147, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID TRACT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF RIDGELEY ROAD; THENCE WITH THE

EASTERLY LINE OF SAID TRACT, S2°16'05"W, 7.04 FEET; THENCE LEAVING THE SAID EASTERLY LINE OF TRACT, 56.96 FEET ALONG A 715.52-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N84°00'10"W, 56.95 FEET; THENCE N3°20'35"E, 7.00 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF RIDGELEY ROAD; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, 56.83 FEET ALONG A 722.52-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S84°02'00"E, 56.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 398 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT

PARCEL ID: 16-611-00-02-001.00 01

TIMOTHY D. MCGARITY AND ADRIANA D. MCGARITY REVOCABLE TRUST

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED AS TRACT 2 OF THE WARRANTY DEED RECORDED IN BOOK 4520, PAGE 34, BEING A PORTION OF LOT ONE (1) OF DIETRICH SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 9, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ONE; THENCE WITH THE SOUTHERLY LINE OF SAID TRACT, S86°42'15"W, 4.08 FEET TO THE SOUTHWESTERN MOST CORNER OF SAID TRACT; THENCE WITH THE WESTERLY LINE OF SAID TRACT; THENCE LEAVING THE SAID SOUTHERLY LINE AND WITH THE SAID WESTERLY LINE, N8°03'20"E, 10.29 FEET; THENCE LEAVING THE SAID WESTERLY LINE, S83°21'35"E, 20.95 FEET; THENCE S7°40'45"W, 11.04 FEET TO THE SOUTHERLY LINE OF SAID TRACT, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID LOT ONE; THENCE WITH THE SOUTHERLY LINE OF SAID TRACT AND SAID LOT ONE, N78°27'25"W, 17.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 215 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 December, 2018.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor