

023760

Permanent Record  
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First Reading 1-7-19

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Ordinance No. 023760

Council Bill No. B 8-19

**AN ORDINANCE**

declaring the need to acquire certain interests in real property for construction of sidewalks along portions of Lynn Street, Oak Street and Sexton Road; 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 sidewalks along portions of Lynn Street, Oak Street and Sexton Road, described as follows:

**Dustin Knight**  
**Parcel: 16-315-00-11-035.00 01**  
**Temporary Construction Easement**

A parcel of land being part of the tract described in the warranty deed recorded in book 4935 at page 31, said tract being part of Lot 6 of John A. Stewart's Subdivision of Lots 29 and 32 of Garth's Subdivision of Garth's Addition to the City of Columbia recorded in Plat Book 1 at Page 21, said tract also being Tract A of a survey recorded in Book 1740 at Page 255, all of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northwest corner of said tract; thence S.74°-56'-55"E., along the north line of said tract, 5.18 feet; thence S.00°-04'-25"W., leaving said north line, 85.58 feet; thence S.77°-29'-00"E., 78.11 feet to a point on the east line of said tract; thence S.01°-53'-20"W., along said east line, 3.05; thence N.77°-29'-00"W., leaving said east line, 83.13 feet to a point on the west line of said tract; thence N.00°-04'-25"E., along said west line, 88.89 feet to the Point of Beginning and containing 678 square feet.

**Dustin Knight**

**Parcel: 16-315-00-11-035.00 01**

**Permanent Sidewalk Easement**

A parcel of land being part of the tract described in the warranty deed recorded in book 4935 at page 31, said tract being part of Lot 6 of John A. Stewart's Subdivision of Lots 29 and 32 of Garth's Subdivision of Garth's Addition to the City of Columbia recorded in Plat Book 1 at Page 21, said tract also being Tract A of a survey recorded in Book 1740 at Page 255, all of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at a point N.00°-04'-25"E., 6.13 feet of the southwest corner of said tract and also being the Point of Beginning; thence S.77°-29'-00"E., 83.13 feet to a point on the east line of said tract; thence S.1°-53'-20"W., along the east line of said tract, 6.18 feet to the southeast corner of said tract; thence N.77°-25'-30"W., along the south line of said tract, 82.95 feet to the southwest corner of said tract; thence N.00°-04'-25"E., along the west line of said tract, 6.13 feet to the Point of Beginning and containing 501 square feet.

**Mary Belle Smith**

**Parcel: 16-315-00-11-034.00 01**

**Temporary Construction Easement**

A parcel of land being part of the tract described in a beneficiary deed recorded Book 3145 at Page 57, said tract being a part of Lot 6 in John A. Stewart's Subdivision of Lots 29 and 32 of Garth's Subdivision of Garth's Addition to the City of Columbia recorded in Plat Book 1 at Page 21, also being Tract 2 of a survey in Book 289 at Page 75, all of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northwest corner of said tract; thence S.81°-15'-35"E., along the north line of said tract, 13.15 feet; thence S.00°-00'-00"E., leaving said north line, 20.65 feet; thence S.35°-33'-30"W., 13.82 feet; thence S.00°-04'-25"W., 23.09 to a point on the south line of said tract; thence N.74°-56'-55"W., along the south line of said tract, 5.18 feet to the south west corner of said tract; thence N.00°-04'-25"E., along the west line of said tract, 55.63 feet to the Point of Beginning and containing 495 square feet.

**James E. Porter, Jr. and Georgia Mae Porter**

**Parcel: 16-315-00-11-033.00 01**

**Temporary Construction Easement**

A parcel of land being part of the tract described in a warranty deed recorded Book 292 at Page 522, said tract being a part of Lot 6 in John A. Stewart's Subdivision of Lots 29 and 32 of Garth's Subdivision of Garth's Addition to the City of Columbia recorded in Plat Book 1 at Page 21, also being Tract 1 of a survey in Book 289 at Page 75, all of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northwest corner of said tract; thence S.75°-37'-35"E., along the north line of said tract, 5.16 feet; thence S.00°-04'-25"W., leaving said north line, 15.01 feet; thence S.89°-40'-25"E., 8.17 feet; thence S.00°-00'-00"E., 22.00; thence N.89°-40'-25"W., 8.20 feet; thence S.00°-04'-25"W., 26.70 feet, to a point on the south line of said tract, thence N.81°-15'-35"W. along the south line of said tract, 5.06 feet to the southwest corner of said tract, thence N. 00°-04'-25"E., along the west line of said tract, 64.22 feet to Point of Beginning and containing 500 square feet.

**Columbia Missouri Community Housing Development Organization**

**Parcel: 16-315-00-11-032.00 01**

**Temporary Construction Easement**

A parcel of land being part of the tract described in a warranty deed recorded in Book 4871 at Page 120, said tract being in the south part of Lots 4 and 5 in John A. Stewart's Subdivision of Lots 29 and 32 of Garth's Subdivision of Lots 49 to 72, both inclusive of Garth's Addition to the City of Columbia as shown in Plat Book 1 at Page 21 and being shown on a survey of Lots 2 to 9 of John A. Stewart's Subdivision recorded in Book 4074 at Page 164, all of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northwest corner of said tract; thence S.75°-37'-35"E., along the north line of said tract, 5.16 feet; thence S.00°-04'-25"W., leaving said north line, 60.47 feet, to a point on the south line of said tract; thence N.75°-38'-00"W. along said south line, 5.16 feet, to the south west corner of said tract; thence N.00°-04'25"E., along the west line of said tract, 60.47 feet to the Point of Beginning and containing 302 square feet.

**RLR Properties L.L.C.**

**Parcel: 16-315-00-11-008.00 01**

**Temporary Construction Easement**

A parcel of land being part of a tract described in a warranty deed recorded in Book 4385 at Page 26, said tract being part of Lot 5 of John A. Stewart's Subdivision of Lots 29 and 32 in Garth's Subdivision of Garth's Addition to the City of Columbia, recorded in Plat

Book 1 at Page 21, both of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northeast corner of the tract described in said warranty deed; thence S.00°-09'-25"W., along the east line of said tract, 4.09 feet; thence N.77°-46'-35"W., leaving said east line, 60.53 feet; thence S.00°-04'-25"W., 100.01 feet; thence S.74°-12'-35"E., 8.80 feet; thence S.00°-00'-00"E., 22.39 feet; thence N.74°-16'-35"W, 8.83 feet; thence S.00°-04'-25"W., 26.27 feet to a point on the south line of said tract; thence N 75°-37'-35"W., along said south line, 5.16 feet to the south east corner of said tract; thence N.00°-04'25"E., along the east line of said tract, 152.56 feet to the north east corner of said tract; thence S.77°-44'-55"E., along the north line of said tract, 65.66 feet to the Point of Beginning and containing 1195 square feet.

**Stephen C. Adair**

**Parcel: 16-315-00-11-007.00 01**

**Temporary Construction Easement**

A parcel of land being a part of a tract of land described in a warranty deed recorded Book 3554 at Page 108, said tract being part of Lots 4 and 5 of John A. Stewart's Subdivision of Lots 29 and 32 in Garth's Subdivision of Garth's Addition to the City of Columbia, recorded in Plat Book 1 at Page 21, both of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at the northeast corner of the said tract; thence S.02°-51'-55"W., along the east line of said tract, 4.05 feet; thence N.77°-46'-35"W., leaving said east line, 65.86 feet, to a point on the west line of said tract; thence N.00°-09'-25"E., along said west line, 4.09 feet to the northwest corner of said tract; thence S.77°-46'-35"E., along the north line of said tract, 65.66 feet to the Point of Beginning and containing 263 square feet.

**Lillie A. Dowdell**

**Parcel: 16-315-00-11-006.00 01**

**Temporary Construction Easement**

A parcel of land being a part of a tract of land described in a beneficiary deed recorded Book 3042 at Page 17, said tract being part of Lot 4 of John A. Stewart's Subdivision of Lots 29 and 32 in Garth's Subdivision of Garth's Addition to the City of Columbia, recorded in Plat Book 1 at Page 21, both of the Boone County Records: situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Beginning at a point which is S.77°-46'-35"E., 24.40 feet east of the northwest corner and on the north line of said tract; thence S.02°-02'-25"W., leaving said north line, 4.06 feet; thence N.77°-46'-35"W., 24.46 feet to a point on the west line of said tract; thence N. 02°-51'-55"E., along said west line, 4.05 feet, to the northwest corner of said tract; thence

S.77°-46'-35"E, along the north line of said tract, 24.40 feet to the Point of Beginning and containing 98 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 22nd day of January, 2019.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Counselor