

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 349-17

AN ORDINANCE

declaring the need to acquire certain interests in real property for construction of the Vandiver Drive and Parker Street roundabout 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 Vandiver Drive and Parker Street roundabout improvement project, described as follows:

**Burnam Family Co., L.P., a Missouri limited partnership
PERMANENT STREET EASEMENT
Parcel: 17-105-00-00-025.00**

An irregular shaped parcel of land along the south line of a tract of land being Tract 1 in a warranty deed in Book 4778 at Page 109, said tract being the west part of the survey as recorded in Book 297 at Page 494, both of the Boone County Records; situate in the southeast quarter (1/4) of the northwest quarter (1/4) of Section 6, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of Lot 20 of Robinwood as recorded in Plat Book 6 Page 34 of said Records; thence along the south line of said tract, said line also being the north Right-of-Way line of Vandiver Drive, N.89°05'40"W., 293.41 feet; thence leaving said line N.0°49'40"E., 6.78 feet; thence S.89°36'00"E., 106.51 feet; thence S.87°48'20"E., 161.53 feet; thence N.87°02'30"E., 40.85 feet to the northwesterly line of said Lot 20; thence along said line along a non-tangent curve to the right having a radius of 407.00 feet a distance of 16.79 feet (the chord of said curve having a bearing and distance of S.66°52'55"W., 16.79 feet) to the POINT OF BEGINNING and containing 1,895 square feet.

HomeCo Development, LLC, a Missouri limited liability company
PERMANENT STREET EASEMENT
Parcel: 17-105-00-03-016.00

An irregular shaped parcel of land in the southwest corner of a tract of land described in a warranty deed in Book 4688 at Page 20, said tract being Lot 21 of Robinwood as recorded in Plat Book 6 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of said Lot 21; thence along the west line of said Lot, said line also being the east Right-of-Way line of Parker Street, N.0°54'15"E., 47.62 feet; thence leaving said line along a non-tangent curve to the left having a radius of 92.50 feet a distance of 25.19 feet (the chord of said curve having bearing and distance of S.25°12'40"E., 25.11 feet); thence along a curve to the left having a radius of 53.00 feet a distance of 17.81 feet (the chord of said curve having bearing and distance of S.42°38'30"E., 17.73 feet); thence N.37°43'45"E., 3.00 feet; thence S.54°33'50"E., 4.00 feet; thence S.33°08'40"W., 3.00 feet; thence along a non-tangent curve to the left having a radius of 55.77 feet a distance of 25.04 feet (the chord of said curve having bearing and distance of S.70°03'05"E., 24.82 feet); thence along a curve to the left having a radius of 58.98 feet a distance of 11.69 feet (the chord of said curve having bearing and distance of S.84°23'30"E., 11.68 feet); thence S.87°25'05"E., 25.91 feet to the south line of said Lot, said line also being the north Right-of-Way line of Vandiver Drive; thence along said line N.89°05'40"W., 87.77 feet to the POINT OF BEGINNING and containing 792 square feet.

Fletcher Realty, LLC, an Arkansas limited liability company
PERMANENT STREET EASEMENT
Parcel: 17-109-00-10-004.00

An irregular shaped parcel of land in the northwest corner of a tract of land described in part of a warranty deed in Book 3810 at Page 163, said tract being Lot 104 of Vandiver Business Park Plat 1 as recorded in Plat Book 38 at Page 73, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the northeast corner of said Lot; thence along the north line of said Lot, said line also being the south Right-of-Way line of Vandiver Drive, N.89°24'05"W., 170.97 feet to the

POINT OF BEGINNING; thence leaving said line S.87°42'30"W., 82.70 feet; thence along a curve to the left having a radius of 133.86 feet a distance of 71.36 feet (the chord of said curve having bearing and distance of S.72°26'05"W., 70.52 feet); thence along a curve to the left having a radius of 61.53 feet a distance of 58.54 feet (the chord of said curve having bearing and distance of S.29°54'35"W., 56.36 feet) to the west line of said Lot, said line also being the east Right-of-Way line of Parker Street; thence along said line N.0°34'45"W., 44.74 feet; thence continuing along said line along a curve to the right having a radius of 30.00 feet a distance of 47.74 feet (the chord of said curve having bearing and distance of N.45°06'15"E., 42.86 feet); thence along said north line S.89°24'05"E., 148.07 feet to the POINT OF BEGINNING and containing 1,961 square feet inclusive of 1,925 square feet of platted utility and drainage easements.

McLarty RE, LLC, a Delaware limited liability company
PERMANENT STREET EASEMENT
Parcel: 17-109-00-10-001.00

An irregular shaped parcel of land in the northeast corner of a tract of land described in part of a warranty deed in Book 4709 at Page 20, said tract being Lot 101 of Vandiver Business Park Plat 1 as recorded in Plat Book 38 at Page 73, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the northwest corner of said Lot; thence along the north line of said Lot, said line also being the south Right-of-Way line of Vandiver Drive, the following two calls S.87°56'10"E., 333.30 feet; S.89°24'05"E., 82.34 feet to the POINT OF BEGINNING; thence continuing along said line the following two calls S.89°24'05"E., 33.24 feet; along a curve to the right having a radius of 30.00 feet a distance of 46.39 feet (the chord of said curve having bearing and distance of S.44°57'45"E., 41.91 feet); thence along the east line of said Lot, said line also being the west Right-of-Way line of Parker Street, S.0°34'45"E., 67.81 feet; thence leaving said line N.5°51'00"W., 14.01 feet; thence along a curve to the left having a radius of 107.50 feet a distance of 51.19 feet (the chord of said curve having bearing and distance of N.19°29'30"W., 50.71 feet); thence S.56°52'00"W., 10.00 feet; thence N.36°29'35"W., 11.43 feet; thence N.29°04'00"W., 14.43 feet; thence N.40°27'40"E., 6.18 feet; thence along a non-tangent curve to the left having a radius of 82.50 feet a distance of 11.16 feet (the chord of said curve having bearing and distance of N.53°24'50"W., 11.15 feet); thence N.65°04'30"W., 19.92 feet to the POINT OF BEGINNING and containing 1,657 square feet inclusive of 1,476 square feet of platted utility easements.

Burnam Family Co., L.P., a Missouri limited partnership
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 17-105-00-00-025.00

An irregular shaped parcel of land along the south line of a tract of land being Tract 1 in a warranty deed in Book 4778 at Page 109, said tract being the west part of the survey as recorded in Book 297 at Page 494, both of the Boone County Records; situate in the

southeast quarter (1/4) of the northwest quarter (1/4) of Section 6, Township 48 North, Range 12 West, City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of Lot 20 of Robinwood as recorded in Plat Book 6 Page 34 of said Records; thence along the south line of said tract, said line also being the north Right-of-Way line of Vandiver Drive, N.89°05'40"W., 296.04 feet; thence leaving said line N.4°24'00"E., 9.15 feet; thence N.89°01'20"E., 336.93 feet to the northwesterly line of said Lot 20; thence along said line along a non-tangent curve to the right having a radius of 407.00 feet a distance of 45.97 feet (the chord of said curve having bearing and distance of S.64°49'40"W., 45.95 feet) to the POINT OF BEGINNING and containing 2,648 square feet exclusive of permanent street easement granted this date.

Fletcher Realty, LLC, an Arkansas limited liability company
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 17-109-00-10-004.00

An irregular shaped parcel of land in the northwest corner of a tract of land described in part of a warranty deed in Book 3810 at Page 163, said tract being Lot 104 of Vandiver Business Park Plat 1 as recorded in Plat Book 38 at Page 73, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the northeast corner of said Lot; thence along the north line of said Lot, said line also being the south Right-of-Way line of Vandiver Drive, N.89°24'05"W., 108.85 feet to the POINT OF BEGINNING; thence leaving said line S.0°36'20"W., 1.89 feet; thence S.84°40'50"W., 114.42 feet; thence S.88°40'55"W., 41.25 feet; thence along a curve to the left having a radius of 80.00 feet a distance of 115.34 feet (the chord of said curve having bearing and distance of S.47°22'45"W., 105.60 feet); thence S.6°04'40"W., 60.98 feet to the west line of said Lot, said line also being the east Right-of-Way line of Parker Street; thence along said line N.0°34'45"W., 117.54 feet; thence continuing along said line along a curve to the right having a radius of 30.00 feet a distance of 47.74 feet (the chord of said curve having bearing and distance of N.45°06'15"E., 42.86 feet); thence along said north line S.89°24'05"E., 210.19 feet to the POINT OF BEGINNING and containing 2,728 square feet inclusive of 2,386 square feet of platted utility and drainage easements and exclusive of permanent street easement granted this date.

HomeCo Development, LLC, a Missouri limited liability company
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 17-105-00-03-016.00

An irregular shaped parcel of land along the south and west lines of a tract of land described in a warranty deed in Book 4688 at Page 20, said tract being Lot 21 of Robinwood as recorded in Plat Book 6 at Page 34, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of said Lot 21; thence along the west line of said Lot, said line also being the east Right-of-Way line of Parker Street, N.0°54'15"E., 80.77 feet; thence continuing along said line along a curve to the right having a radius of 602.96 feet a distance of 16.22 feet (the chord of said curve having bearing and distance of N.1°40'30"E., 16.22 feet); thence leaving said line S.10°43'15"E., 33.22 feet; thence along a curve to the left having a radius of 80.00 feet a distance of 51.43 feet (the chord of said curve having bearing and distance of S.29°08'20"E., 50.55 feet); thence S.47°33'20"E., 29.33 feet; thence along a curve to the left having a radius of 98.98 feet a distance of 7.71 feet (the chord of said curve having bearing and distance of S.85°32'40"E., 7.71 feet); thence S.87°25'05"E., 25.91 feet to the south line of said Lot, said line also being the north Right-of-Way line of Vandiver Drive; thence along said line N.89°05'40"W., 87.77 feet to the POINT OF BEGINNING and containing 964 square feet exclusive of permanent street easement granted this date.

McLarty RE, LLC, a Delaware limited liability company
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 17-109-00-10-001.00

An irregular shaped parcel of land in the northeast corner of a tract of land described in part of a warranty deed in Book 4709 at Page 20, said tract being Lot 101 of Vandiver Business Park Plat 1 as recorded in Plat Book 38 at Page 73, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the northwest corner of said Lot; thence along the north line of said Lot, said line also being the south Right-of-Way line of Vandiver Drive, the following two calls S.87°56'10"E., 333.30 feet; S.89°24'05"E., 57.04 feet to the POINT OF BEGINNING; thence continuing along said line the following two calls S.89°24'05"E., 58.54 feet; along a curve to the right having a radius of 30.00 feet a distance of 46.39 feet (the chord of said curve having bearing and distance of S.44°57'45"E., 41.91 feet); thence along the east line of said Lot, said line also being the west Right-of-Way line of Parker Street, S.0°34'45"E., 115.25 feet; thence leaving said line S.88°41'50"W., 1.86 feet; thence N.1°18'10"W., 54.74 feet; thence N.43°30'40"W., 125.23 feet to the POINT OF BEGINNING and containing 2,344 square feet inclusive of 1,014 square feet of platted utility easements and exclusive of permanent street easement granted this date.

Ronnie C. Shy and Vicky M. Shy, husband and wife
Fee Simple Acquisition

Lot 20, EXCEPT the east sixty-six (66) feet, and EXCEPT the south four and five tenths (4.5) feet, of Robinwood Subdivision as recorded in Book 6, Page 34, of the Boone County, Missouri, Records.

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 _____ day of _____, 2017.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor