

023705 Filed in Clerk's Office
Permanent Record

Introduced by Treece

First Reading 11-5-18

Second Reading 11-19-18

Ordinance No. 023705

Council Bill No. B 280-18

AN ORDINANCE

declaring the need to acquire certain interests in real property for construction of the Keene Street and I-70 Drive Southeast intersection 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 Keene Street and I-70 Drive Southeast intersection improvement project, described as follows:

Moser Realty, LLC
PERMANENT STREET EASEMENT
Parcel: 17-116-00-00-010.00

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 4415 at Page 122, of the Boone County Records; situate in the north half (1/2) of the northeast quarter (1/4) of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the north line of said tract, also being the south right-of-way line of Interstate 70,

S.83°43'10"W., 286.92 feet to the POINT OF BEGINNING; thence S.44°56'10"W., 29.55 feet to a non-tangent curve to the right having a radius of 71.50 feet and a distance of 16.17 feet (Chord S.51°24'50"W., 16.14 feet) to a non-tangent curve to the left having a radius of 69.00 feet and a distance of 68.57 feet (Chord S.29°25'35"W., 65.78 feet); thence S.00°57'30"W., 25.35 feet; thence leaving said line N.89°03'55"W., 1.17 feet to the west line of said tract also being the east right-of-way line of Keene Street; thence along said line N.00°56'05"E., 106.39 feet to the south right-of-way line of Interstate 70; thence N.83°43'10"E., 66.05 feet to the POINT OF BEGINNING and containing 1940 square feet inclusive of 582 square feet of existing 50' wide drainage easement as shown in a deed recorded in road book 5 page 20 and 1248 square feet of existing 20' utility easement as shown in a survey recorded in book 442 page 654.

Moser Realty, LLC
PERMANENT DRAINAGE EASEMENT
Parcel: 17-116-00-00-010.00

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 4415 at Page 122, of the Boone County Records; situate in the north half (1/2) of the northeast quarter (1/4) of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the north line of said tract, also being the south right-of-way line of Interstate 70, S.83°43'10"W., 252.38 feet to the POINT OF BEGINNING; thence leaving said right-of-way line S.51°18'00"W., 23.62 feet to an existing 50' wide permanent drainage easement as shown in a survey recorded in book 5 page 20; thence along said permanent drainage easement N.27°03'00"W., 13.54 feet to north line of said tract, also being the south right-of-way line of Interstate 70; thence along said line N.83°43'10"E., 24.74 feet to the POINT OF BEGINNING and containing 157 square feet inclusive of 157 square feet of existing 20' utility easement as shown in a survey recorded in book 442 page 654.

Moser Realty, LLC
PERMANENT DRAINAGE EASEMENT
Parcel: 17-116-00-00-010.00

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 4415 at Page 122, of the Boone County Records; situate in the north half (1/2) of the northeast quarter (1/4)

of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the north line of said tract, also being the south right-of-way line of Interstate 70, S.83°43'10"W., 286.92 feet to a permanent street easement granted this date; thence along permanent street easement S.44°56'10"W., 29.55 feet to a tangent curve to the right having a radius of 71.50 feet and a distance of 13.08 feet (Chord S.50°10'35"W., 13.06 feet); to the POINT OF BEGINNING;); thence leaving said curve S.27°03'00"E., 3.95 feet; thence leaving said line S.33°19'55"W., 66.79 feet; thence N.00°57'30"E., 0.34 feet to a non-tangent curve to the right having a radius of 69.00 feet and a distance of 68.57 feet (Chord N.29°25'35"E., 65.78 feet); thence N.56°39'20"E., 3.09 feet to the POINT OF BEGGINNING and containing 538 square feet.

Moser Realty, LLC
TEMPORARY CONSTRUCTION EASEMENT 1
Parcel: 17-116-00-00-010.00

An irregular shaped parcel of land along the north line of a tract of land described in a special warranty deed in Book 4415 at Page 122, of the Boone County Records; situate in the north half (1/2) of the northeast quarter (1/4) of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the north line of said tract, also being the south right-of-way line of Interstate 70, S.83°43'10"W., 21.44 feet to the POINT OF BEGINNING; thence leaving said right-of-way line S.02°50'35"E., 46.22 feet; thence S.87°09'25"W., 74.50 feet; thence leaving said line N.02°50'35"W., 41.74 feet to the north line of said tract, also being the south right-of-way line of Interstate 70; thence along said line N.83°43'10"E., 74.63 feet to the POINT OF BEGINNING and containing 3276 square feet inclusive of 243 square feet of existing 50' wide drainage easement as shown in a survey recorded in book 5 page 20 and 1493 square feet of existing 20' utility easement as shown in a deed recorded in road book 442 page 654.

Moser Realty, LLC
TEMPORARY CONSTRUCTION EASEMENT 2
Parcel: 17-116-00-00-010.00

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 4415 at Page 122, of the Boone

County Records; situate in the north half (1/2) of the northeast quarter (1/4) of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the northeast corner of said tract; thence along the north line of said tract, also being the south right-of-way line of Interstate 70, S.83°43'10"W., 223.72 feet to the POINT OF BEGINNING; thence leaving said right of way line S.06°16'50"E., 30.71 feet; thence S.61°57'00"W., 137.28 feet; thence leaving said line S.00°56'05"W., 77.91 feet; thence N.89°03'55"W., 12.00 feet to the west line of said tract, also being the east right of way line of Keene Street; thence along said line N.00°56'05"E., 52.28 feet, to a permanent street easement granted this date; thence along said line S.89°03'55"E., 1.18 feet; thence N.00°56'05"E., 25.01 feet to a permanent drainage easement granted this date; thence along said line N.33°19'55"E., 66.79 feet to an existing 50' wide drainage easement as shown in a survey recorded in book 442 page 654; thence along said line N.27°03'00"W., 3.95 feet to a non-tangent curve to the left, also being said permanent street easement; thence along said curve having a radius of 71.50 feet and a distance of 13.08 feet (Chord N.50°10'35"E., 13.06 feet); thence leaving said curve N.44°56'10"E., 29.55 feet to north line of said tract also being south right-of-way line of Interstate 70; thence along said line N.83°43'10"E., 9.80 feet to said 50' wide drainage easement; thence along said line S.27°03'00"E., 13.54 feet to said permanent drainage easement; thence along said line N.51°18'00"E., 23.62 feet to said right of way line; thence along said line N.83°43'10"E., 28.66 to POINT OF BEGINNING and containing 6018 square feet inclusive of 1922 square feet of existing 50' wide drainage easement as shown in a survey recorded in book 442 page 654 and 1357 square feet of existing 20' utility easement as shown in a survey recorded in book 442 page 654.

Drury Development

TEMPORARY CONSTRUCTION EASEMENT

Parcel: 17-116-00-14-001.00

An irregular shaped parcel of land along the north line of a tract of land described in a warranty deed in Book 4697 at Page 56, said tract also being lot 1 of Drury Subdivision Plat 1 as recorded in plat book 50 page 36, both of the Boone County Records; situate in the north half (1/2) of the northeast quarter (1/4) of Section 8, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

COMMENCING at the south east corner of said tract; thence along the east line of said tract, also being the west right-of-way line of Keene Street, N.00°56'05"E., 286.77 feet to the POINT OF BEGINNING; thence leaving said line N.89°03'55"W., 10.00 feet to an existing 10' wide utility easement;

thence N.00°56'05"E., 22.97 feet; thence leaving said line S.89°03'55"E., 4.92 feet; thence N.01°28'00"E., 31.02 feet; thence leaving said line N.89°03'55"W., 2.50 feet; thence N.00°56'05"E., 14.02 feet to a non-tangent curve to the left; thence along said curve having a radius of 25.00 feet and a distance of 27.85 feet (Chord N.31°54'50"W., 26.43 feet); thence N.63°49'35"W., 20.21 feet to the north line of said tract, also being the south right-of-way line of Interstate 70; thence along said line N.81°27'00"E., 5.00 feet to a non-tangent curve to the right; thence along said curve having a radius of 30.00 feet and a distance of 52.19 feet (Chord S.48°47'25"E., 45.85 feet) to the east line of said tract, also being the west right-of-way line of Keene Street; thence along said line S.00°56'05"W., 70.01 feet to the POINT OF BEGINNING and containing 855 square feet inclusive 855 square feet of existing 10' wide utility easement as shown on said plat.

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 19th day of November, 2018.

ATTEST:

Donna L. Whalley
Deputy City Clerk

RES
Mayor and Presiding Officer

APPROVED AS TO FORM:

[Signature]
City Counselor