

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 115-20

AN ORDINANCE

declaring the need to acquire easements for the replacement and improvement of the storm drainage infrastructure on a portion of Ross Street west of William Street; 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 easements for the replacement and improvement of the storm drainage infrastructure on a portion of Ross Street west of William Street, described as follows:

**CHR PROPERTIES LLC
PARCEL #17-405-00-23-054.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 4405, PAGE 81 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOT 54 OF BOUCHELLE’S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4405, PAGE 81, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE EAST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4405, PAGE 81, S.00°53'17"W, 20.00 FEET; THENCE LEAVING SAID EAST LINE N.89°43'03"W, 20.00 FEET; THENCE N.00°53'17"E, 20.00 FEET TO A POINT ON THE NORTH LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4405 PAGE 81, ALSO BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ROSS STREET; THENCE WITH SAID NORTH LINE S.89°43'03"E, 20.00 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT AND CONTAINS 400 SQUARE FEET.

**DIVERSIFIED GENIUS LLC
PARCEL #17-405-00-23-084.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY MISSOURI BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 4503 PAGE 12 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOT 25 OF BOUCHELLE'S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4503 PAGE 12, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE WEST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4503 PAGE 12 N.00°19'39"E, 5.00 FEET; THENCE LEAVING SAID WEST LINE S.89°43'12"E, 33.00 FEET; THENCE S.00°19'39"W, 5.00 FEET TO A POINT ON THE SOUTH LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4503 PAGE 12, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF ROSS STREET; THENCE WITH SAID SOUTH LINE N.89°43'12"W, 33.00 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT AND CONTAINS 165 SQUARE FEET.

**WARNKEN PROPERTIES IV LLC
PARCEL #17-405-00-23-053.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 3467 PAGE 126 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOTS 53 AND 54 OF BOUCHELLE'S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN

PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3467 PAGE 126, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE NORTH LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3467 PAGE 126; ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF ROSS STREET, S.89°43'03"E, 52.91 FEET TO THE NORTH EAST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3467 PAGE 126; THENCE WITH THE EAST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3467 PAGE 126 S.00°16'10"W, 49.01 FEET; THENCE LEAVING SAID EAST LINE N.89°40'55"W, 8.60 FEET; THENCE N.00°13'13"E, 44.00 FEET; THENCE N.89°43'03"W, 44.32 FEET TO A POINT ON THE WEST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 3467 PAGE 126; THENCE WITH SAID WEST LINE N.00°53'17"E, 5.00 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT AND CONTAINS 644 SQUARE FEET.

ZM-1512 ROSS, LLC
PARCEL #17-405-00-23-052.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY MISSOURI BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 4659 PAGE 2 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOTS 53 AND 52 OF BOUCHELLE'S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

STARTING AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE NORTH LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2; ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF ROSS STREET S.89°43'03"E, 16.03 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT;

THENCE FROM SAID POINT OF BEGINNING AND CONTINUING WITH SAID NORTH LINE S.89°43'03"E, 7.31 FEET; THENCE LEAVING SAID NORTH LINE S.00°11'52"W, 49.00 FEET; THENCE N.89°43'51"W, 23.40 FEET TO A POINT ON THE WEST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2; THENCE WITH SAID WEST LINE N.00°16'10"E, 3.43 FEET; THENCE LEAVING SAID WEST LINE S.89°43'03"E, 16.00 FEET; THENCE N.00°16'54"E, 45.57 FEET; TO THE POINT OF BEGINNING AND CONTAINS 415 SQUARE FEET.

**ZM-1512 ROSS LLC
PARCEL #17-405-00-23-052.00 01
PERMANENT DRAINAGE EASEMENT**

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY MISSOURI BEING THE TRACT DESCRIBED BY THE DEED IN BOOK 4659 PAGE 2 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOTS 53 AND 52 OF BOUCHELLE'S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE NORTH LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2; ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF ROSS STREET S.89°43'03"E, 16.03 FEET; THENCE LEAVING SAID NORTH LINE S.00°16'54"W, 45.57 FEET; THENCE N.89°43'03"W, 16.00 FEET TO A POINT ON THE WEST LINE OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 4659 PAGE 2; THENCE WITH SAID WEST LINE N.00°16'10"E, 45.57 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT AND CONTAINS 730 SQUARE FEET.

**QUALITY REALTY LLC
PARCEL #17-405-00-23-083.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT BEING LOCATED ON A TRACT IN THE NORTH WEST QUARTER OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY MISSOURI BEING THE TRACT DESCRIBED BY THE QUIT CLAIM DEED IN BOOK 3774 PAGE 91 OF THE BOONE COUNTY RECORDS, SAID TRACT BEING PART OF LOTS 23 AND 25 OF BOUCHELLE'S ADDITION TO COLUMBIA MISSOURI AS SHOWN IN PLAT BOOK 1 PAGE 17 OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED BY SAID QUIT CLAIM DEED IN BOOK 3774 PAGE 91, (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) THENCE WITH THE SOUTH LINE OF THE TRACT DESCRIBED BY SAID QUIT CLAIM DEED IN BOOK 3774 PAGE 91, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF ROSS STREET N.89°43'12"W, 13.00 FEET; THENCE LEAVING SAID SOUTH LINE N.00°19'39"E, 12.00 FEET; THENCE S.89°43'12"E, 13.00 FEET TO A POINT ON THE EAST LINE OF THE TRACT DESCRIBED BY SAID QUIT CLAIM DEED IN BOOK 3774 PAGE 91; THENCE WITH SAID EAST LINE S.00°19'39"W, 12.00 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT AND CONTAINS 156 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 _____ day of _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor