

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 69-23

AN ORDINANCE

declaring the need to acquire easements relating to the construction of a sidewalk on the south side of Sexton Road, between Garth Avenue and Mary 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 relating to the construction of a sidewalk on the south side of Sexton Road, between Garth Avenue and Mary Street, described as follows:

**OAK TOWERS HOUSING DEVELOPMENT, A MISSOURI LIMITED PARTNERSHIP
700 N. GARTH AVENUE; Parcel: 16-315-00-11-001.00 01
PERMANENT STREET EASEMENT**

AN EASEMENT LOCATED IN THE SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 4690 AT PAGE 78, ALSO BEING, LOTS 1, 2, 3, 4, 5, 6, 7, & 8 AND PART OF VACATED LYNN STREET IN JOHN STEWART'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 21, SAID TRACT OF LAND BEING SHOWN AND DISCRIBED BY SURVEY THEREOF MADE ON FEBURARY 6, 1964 BY JAMES S. REED AND RECORDED FEBURARY 14, 1964 IN

BOOK 333, PAGE 177, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT, S.01°44'55" W., 1.59 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID EAST LINE, N.69°01'55"W., 341.73 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE ALONG SAID LINE N.01°07'10"E, 1.59 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, THENCE LEAVING SAID LINE AND ALONG NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD, S.69°01'55"E., 341.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 513 SQUARE FEET.

**OAK TOWERS HOUSING DEVELOPMENT, A MISSOURI LIMITED PARTNERSHIP
700 N. GARTH AVENUE; Parcel: 16-315-00-11-001.00 01
TEMPORARY CONSTRUCTION EASEMENT #1**

AN EASEMENT LOCATED IN THE SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 4690 AT PAGE 78, ALSO BEING, LOTS 1, 2, 3, 4, 5, 6, 7, & 8 AND PART OF VACATED LYNN STREET IN JOHN STEWART'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 21, SAID TRACT OF LAND BEING SHOWN AND DISCRIBED BY SURVEY THEREOF MADE ON FEBURARY 6, 1964 BY JAMES S. REED AND RECORDED FEBURARY 14, 1964 IN BOOK 333, PAGE 177, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT, S.01°44'55" W., 1.59 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE) TO THE POINT OF BEGINNING:

THENCE LEAVING SAID LINE, N.69°01'55"W., 82.39 FEET; THENCE S.20°26'40" W., 5.01 FEET; THENCE S.69°28'15"E., 9.78 FEET; THENCE S.48°01'40"E, 12.74 FEET; THENCE S.69°01'55"E, 28.68 FEET; THENCE N.63°33'15"E, 7.47 FEET; THENCE S.69°01'55"E, 28.33 FEET TO SAID EAST LINE OF SAID LOT 1; THENCE N.01°44'55"E, 4.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 552 SQUARE FEET.

**OAK TOWERS HOUSING DEVELOPMENT, A MISSOURI LIMITED PARTNERSHIP
700 N. GARTH AVENUE; Parcel: 16-315-00-11-001.00 01
TEMPORARY CONSTRUCTION EASEMENT #2**

AN EASEMENT LOCATED IN THE SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 4690 AT PAGE 78, ALSO BEING, LOTS 1, 2, 3, 4, 5, 6, 7, & 8 AND PART OF VACATED LYNN STREET IN JOHN STEWART'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 21, SAID TRACT OF LAND BEING SHOWN AND DISCRIBED BY SURVEY THEREOF MADE ON FEBURARY 6, 1964 BY JAMES S. REED AND RECORDED FEBURARY 14, 1964 IN BOOK 333, PAGE 177, ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT, S.01°44'55" W., 1.59 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE); THENCE LEAVING SAID LINE, N.69°01'55"W., 116.49 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING N.69°01'55"W., 13.50 FEET; THENCE S.20°49'25" W., 4.13 FEET; THENCE S.69°09'40"E., 13.50 FEET; THENCE N.20°49'25"E, 4.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 56 SQUARE FEET.

**MARK L. GASTLER AND MICHELLE R. GASTLER
14 E. SEXTON ROAD; PARCEL: 16-315-00-14-006.00 01
PERMANENT STREET EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 1351 PAGE 114, ALSO BEING LOT 6 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, S.02°25'20"W, 2.25 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID EAST LINE, N.69°13'45"W, 55.66 FEET TO THE WEST LINE OF SAID LOT; THENCE ALONG SAID WEST LINE, N.01°44'55"E, 2.47 FEET TO NORTHWEST CORNER OF SAID LOT; THENCE ALONG NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD, S.69°01'55"E, 55.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 125 SQUARE FEET.

**MARK L. GASTLER AND MICHELLE R. GASTLER
14 E. SEXTON ROAD; PARCEL: 16-315-00-14-006.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 1351 PAGE 114, ALSO BEING LOT 6 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, S.02°25'20"W, 2.25 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING:

THENCE LEAVING SAID LINE, N.69°13'45"W, 55.66 FEET TO THE WEST LINE OF SAID LOT; THENCE ALONG SAID WEST LINE, S.01°44'55"W, 9.82 FEET; THENCE LEAVING SAID LINE, S.68°59'30"E, 13.90 FEET; THENCE N.64°30'15"E, 7.26 FEET; THENCE S.65°07'25"E, 24.46 FEET; THENCE S.78°59'15"E, 10.63 FEET TO SAID EAST LINE; THENCE ALONG SAID EAST LINE, N.02°25'20"E, 4.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 348 SQUARE FEET.

**JADA LEA JESSE AND CONNIE SUE JESSE,
AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP
16 E. SEXTON ROAD; PARCEL: 16-315-00-14-005.00 01
PERMANENT STREET EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 500 PAGE 915, ALSO BEING LOT 5 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, S.02°25'20"W, 2.31 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE N.68°58'25"W, 53.35 FEET TO THE WEST LINE OF SAID LOT; THENCE ALONG SAID WEST LINE, N.02°25'20"E, 2.25 FEET THE NORTHWEST CORNER OF SAID LOT; THENCE ALONG NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD, S.69°01'55"E, 53.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 115 SQUARE FEET.

**JADA LEA JESSE AND CONNIE SUE JESSE,
AS JOINT TENANTS WITH FULL RIGHTS OF SURVIVORSHIP
16 E. SEXTON ROAD; PARCEL: 16-315-00-14-005.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 500 PAGE 915, ALSO BEING LOT 5 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT, THENCE ALONG EAST LINE OF SAID LOT S.02°25'20"W, 2.31 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO POINT OF BEGINNING:

THENCE LEAVING SAID LINE, N.68°58'25"W, 53.35 FEET TO THE WEST LINE OF SAID LOT; THENCE ALONG SAID LINE S.02°25'20"W, 4.26 FEET; THENCE LEAVING SAID LINE, S.69°01'40"E, 40.59 FEET; THENCE S.21°00'30"W, 6.26 FEET; THENCE S.68°59'30"E, 14.85 FEET TO EAST LINE OF SAID LOT; THENCE ALONG THE EAST LINE OF SAID LOT, N.02°25'20"E, 10.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 300 SQUARE FEET.

**WRIGHT TEMPLE, FORMERLY CHURCH IN CHRIST
18 E. SEXTON ROAD; PARCEL: 16-315-00-14-004.00 01
PERMANENT STREET EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 309 PAGE 325, ALSO BEING LOT 5 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 4, THENCE ALONG NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD, N.69°01'55"W, 2.64 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING:

THENCE FROM POINT OF BEGINNING AND LEAVING SAID SOUTH LINE AND ALONG WEST LINE OF A STREET EASEMENT AS DESCRIBED IN WARRANTY DEED BOOK

713, PAGE 776 OF THE BOONE COUNTY RECORD, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF MARY STREET, S.02°25'20"W, 14.17 FEET; THENCE LEAVING SAID LINE, S.89°37'15"W, 0.71 FEET; THENCE N.00°22'45"W, 3.84 FEET; THENCE 14.97 FEET ALONG A CURVE TO THE LEFT, CURVE RADIUS 12.47 FEET, CHORD N.34°41'00"W, 14.09 FEET; THENCE N.69°04'25"W, 40.78 FEET TO THE WEST LINE OF SAID LOT 4; THENCE ALONG SAID WEST LINE N.02°25'20"E, 2.31 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE ALONG THE NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD S.69°01'55"E, 50.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 135 SQUARE FEET.

**WRIGHT TEMPLE, FORMERLY CHURCH IN CHRIST
18 E. SEXTON ROAD; PARCEL: 16-315-00-14-004.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 309 PAGE 325, ALSO BEING LOT 5 OF E. C. CLINKSCALE'S SECOND ADDITION AS RECORDED IN PLAT BOOK 2 PAGE 40, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE NORTHEAST CORNER OF SAID LOT 4, THENCE ALONG THE NORTH LINE OF SAID LOT, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SEXTON ROAD, N.69°01'55"W, 2.64 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID LINE AND ALONG WEST LINE OF A STREET EASEMENT AS DESCRIBED IN WARRANTY DEED BOOK 713, PAGE 776 OF THE BOONE COUNTY RECORDS, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF MARY STREET, S.02°25'20"W, 14.17 FEET TO THE POINT OF BEGINNING:

THENCE FROM POINT OF BEGINNING AND LEAVING SAID LINE, S.89°37'15"W, 0.71 FEET; THENCE N.00°22'45"W, 3.84 FEET; THENCE 14.97 FEET ALONG A CURVE TO THE LEFT, CURVE RADIUS 12.47 FEET, CHORD N.34°41'00"W, 14.09 FEET; THENCE N.69°04'25"W, 40.78 FEET TO THE WEST LINE OF SAID LOT 4; THENCE ALONG SAID WEST LINE S.02°25'20"W, 10.821 FEET; THENCE S.68°59'30"E, 5.15 FEET; THENCE N.21°00'30"E, 6.27 FEET; THENCE S.69°04'25"E, 32.18 FEET; THENCE 10.18 FEET ALONG A CURVE TO THE RIGHT, CURVE RADIUS 8.50 FEET, CHORD S.34°40'30"E, 9.58 FEET; THENCE S.00°22'45"E, 7.84 FEET; THENCE N.89°37'15"E, 4.51 FEET TO WEST LINE OF SAID STREET EASEMENT, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF MARY STREET; THENCE ALONG SAID LINE, N.02°25'20"E, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 283 SQUARE FEET.

**COLUMBIA SCHOOL DISTRICT
107 E. SEXTON ROAD; PARCEL: 16-315-00-01-103.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI SAID EASEMENT BEING ON AND ACROSS A TRACT DESCRIBED BY THE DEED IN BOOK 162 PAGE 125, ALSO BEING PART OF LOT 1 OF GUITAR'S SUBDIVISION AND PARK ADDITION AS RECORDED IN PLAT BOOK 1 PAGE 16, ALL OF THE BOONE COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHEAST CORNER OF SAID TRACT; THENCE WITH THE SOUTH LINE OF SAID TRACT, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SEXTON ROAD, N.69°01'55"W, 23.72 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID LINE N.69°01'55"W., 33.13 FEET; THENCE LEAVING SAID LINE, N.21°06'45"E, 4.00 FEET; THENCE S.69°01'55"E, 33.13 FEET; THENCE S.21°06'45"W, 4.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 133 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 _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor