

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 112-23

AN ORDINANCE

declaring the need to acquire easements for construction of the Nebraska Avenue storm water 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, following the public hearing held on March 20, 2023, the City Council determined it was in the public interest to replace and improve public storm drainage infrastructure on Nebraska Avenue and by motion directed the City Manager to proceed with having plans and specifications prepared; 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 construction of the Nebraska Avenue storm water improvement project, described as follows:

**STAWILL LLC
ADDRESS: 304 NEBRASKA AVENUE
PARCEL ID: 16-312-00-04-013.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY,

MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4772, PAGE 46, ALSO BEING A PORTION OF LOTS TWENTY-ONE (21), TWENTY-TWO (22), AND THIRD STREET IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF NORTH PROVIDENCE ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE NORTH LINE OF SAID TRACT ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE S.81°54'05"E, 153.56 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTHEAST CORNER OF SAID TRACT; THENCE WITH THE EAST LINE OF SAID TRACT S.01°58'30"W, 65.77 FEET; THENCE LEAVING SAID EAST LINE N.86°14'40"W, 35.37 FEET, THENCE N.05°19'05"E, 27.73 FEET, THENCE N.81°20'05"W, 95.34 FEET, THENCE S.07°47'00"W, 106.74 FEET, THENCE N.82°07'15"W, 11.86 FEET TO A POINT ON THE WEST LINE OF SAID TRACT, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF NORTH PROVIDENCE ROAD; THENCE WITH SAID WEST LINE N.01°19'45"E, 147.24 FEET TO THE POINT OF BEGINNING AND CONTAINING 8951 SQUARE FEET, INCLUSIVE OF 3677 SQUARE FEET OF PERMANENT DRAINAGE EASEMENT AND 1535 SQUARE FEET OF EXISTING STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 388 OF THE BOONE COUNTY RECORDS.

STAWILL LLC

ADDRESS: 304 NEBRASKA AVENUE

PARCEL ID: 16-312-00-04-013.00 01

PERMANENT DRAINAGE EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4772, PAGE 46, ALSO BEING A PORTION OF LOTS TWENTY-ONE (21), TWENTY-TWO (22), AND THIRD STREET IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT BEING A POINT ON THE EAST RIGHT-OF-WAY OF NORTH PROVIDENCE ROAD AND THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE WEST LINE OF SAID TRACT ALONG SAID EAST RIGHT-OF-WAY LINE OF NORTH PROVIDENCE ROAD S.01°19'45"W, 10.07 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING ALSO BEING A POINT ON THE SOUTH LINE OF A 10 FOOT WIDE

STREET EASEMENT RECORDED IN BOOK 379, PAGE 388 OF THE BOONE COUNTY RECORDS.

THENCE FROM THE POINT OF BEGINNING WITH THE SOUTH LINE OF SAID STREET EASEMENT S.81°54'05"E, 153.45 FEET TO A POINT ON THE EAST LINE OF SAID TRACT; THENCE WITH SAID EAST LINE S.01°58'30"W, 20.04 FEET; THENCE LEAVING SAID EAST LINE N.83°22'45"W, 126.39 FEET; THENCE S.51°33'45"W, 34.22 FEET TO A POINT ON THE WEST LINE OF SAID TRACT, ALSO BEING SAID EAST RIGHT-OF-WAY LINE OF NORTH PROVIDENCE ROAD; THENCE WITH SAID WEST LINE N.01°19'45"E, 48.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 3677 SQUARE FEET.

THOMAS SCOTT ATKINS
ADDRESS: 316 NEBRASKA AVENUE
PARCEL ID: 16-312-00-04-012.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 5272, PAGE 117, ALSO BEING A PORTION OF LOTS TWENTY-THREE (23) AND TWENTY-TWO (22) IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT BEING A POINT ON THE SOUTH RIGHT-OF-WAY OF NEBRASKA AVENUE THENCE WITH THE NORTH LINE OF SAID TRACT ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE S.81°54'05"E, 189.26 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTHEAST CORNER OF SAID TRACT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 23; THENCE WITH THE EAST LINE OF SAID TRACT S.06°06'10"W, 17.73 FEET; THENCE LEAVING SAID EAST LINE N.82°39'00"W, 111.11 FEET, THENCE S.19°15'35"W, 17.17 FEET, THENCE N.84°02'35"W, 71.36 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.01°58'30"E, 38.90 FEET TO THE POINT OF BEGINNING AND CONTAINING 4879 SQUARE FEET, INCLUSIVE OF 857 SQUARE FEET OF PERMANENT DRAINAGE EASEMENT AND 1889 SQUARE FEET OF STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 389 OF THE BOONE COUNTY RECORDS.

THOMAS SCOTT ATKINS
ADDRESS: 316 NEBRASKA AVENUE
PARCEL ID: 16-312-00-04-012.00 01
PERMANENT DRAINAGE EASEMENT

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COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE WEST LINE OF SAID TRACT S.01°58'30"W, 10.06 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING ALSO BEING A POINT ON THE SOUTH LINE OF A 10 FOOT WIDE STREET EASEMENT RECORDED IN BOOK 379, PAGE 389 OF THE BOONE COUNTY RECORDS.

THENCE FROM THE POINT OF BEGINNING WITH THE SOUTH LINE OF SAID STREET EASEMENT S.81°54'05"E, 56.17 FEET; THENCE LEAVING SAID SOUTH LINE S.56°59'50"W, 29.05 FEET; THENCE N.83°22'45"W, 32.15 FEET TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.01°58'30"E, 20.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 857 SQUARE FEET.

McCRA Y PROPERTIES, L.L.C.
ADDRESS: 317 NEBRASKA AVENUE
PARCEL ID: 16-312-00-02-001.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 1287, PAGE 2, ALSO BEING A PORTION OF LOT FORTY-SIX (46), IN CONLEY AND PERKINS SUBDIVISION RECORDED IN PLAT BOOK 2, PAGE 24, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 1287, PAGE 2 BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE WEST LINE OF SAID TRACT N.05°47'40"E, 432.80 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 THE WEST LINE OF SAID TRACT N.05°47'40"E, 83.93 FEET; THENCE LEAVING SAID WEST LINE S.84°04'50"E, 44.63 FEET; THENCE S.06°10'35"W, 83.98 FEET; THENCE N.84°01'35"W, 44.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,723 SQUARE FEET.

McCRAV PROPERTIES, L.L.C.
ADDRESS: 317 NEBRASKA AVENUE
PARCEL ID: 16-312-00-02-001.00 01
TEMPORARY CONSTRUCTION EASEMENT – No. 2

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 1287, PAGE 2, ALSO BEING A PORTION OF LOTS FORTY-SIX (46) AND FORTY-NINE (49), IN CONLEY AND PERKINS SUBDIVISION RECORDED IN PLAT BOOK 2, PAGE 24, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED IN BOOK 1287, PAGE 2 BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE WEST LINE OF SAID TRACT N.05°47'40"E, 259.88 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 THE WEST LINE OF SAID TRACT N.05°47'40"E, 91.16 FEET; THENCE LEAVING SAID WEST LINE S.84°15'05"E, 29.10 FEET; THENCE S.05°47'40"W, 91.15 FEET; THENCE N.84°16'05"W, 29.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,653 SQUARE FEET.

CNLI AMF I LP
ADDRESS: 1508 N PROVIDENCE ROAD
PARCEL ID: 16-312-00-02-003.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF TRACT 3 IN A SURVEY RECORDED IN BOOK 688, PAGE 343, ALSO BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN

BOOK 2453, PAGE 57, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 2 OF SAID SURVEY RECORDED IN BOOK 688, PAGE 343 BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE EAST LINE OF SAID TRACT 2 N.05°47'40"E, 121.95 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING AND THE SOUTHWEST CORNER OF SAID TRACT 3.

THENCE FROM THE POINT OF BEGINNING WITH THE SOUTH LINE OF SAID TRACT 3 N.81°59'20"W, 109.69 FEET; THENCE LEAVING SAID SOUTH LINE N.49°05'15"E, 6.71 FEET; THENCE N.05°47'25"E, 385.89 FEET; THENCE S.84°04'50"E, 105.04 FEET; THENCE S.05°47'40"W, 394.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 41273 SQUARE FEET.

D & N ENTERPRISES LLC
PARCEL ID: 16-312-00-04-011.00 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF LOT TWENTY-FOUR (24) IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALSO BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 3348, PAGE 127, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 24 BEING A POINT ON THE SOUTH RIGHT-OF-WAY OF NEBRASKA AVENUE THENCE WITH THE NORTH LINE OF SAID LOT ALONG SAID SOUTH RIGHT-OF-WAY OF NEBRASKA AVENUE S.81°54'05"E, 36.82 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTHEAST CORNER OF 20 FOOT PRIVATE ACCESS AND UTILITY EASEMENT RECORDED IN BOOK 4121, PAGE 92 OF THE BOONE COUNTY RECORDS; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND WITH THE WEST LINE OF SAID EASEMENT S.06°30'40"W, 17.24 FEET; THENCE LEAVING SAID WEST LINE N.82°39'00"W, 36.68 FEET TO A POINT ON THE WEST LINE OF SAID LOT; THENCE WITH SAID WEST LINE N.06°06'10"E, 17.73 FEET TO THE POINT OF BEGINNING AND CONTAINING 642 SQUARE FEET, INCLUSIVE OF 369 SQUARE FEET OF STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 390 OF THE BOONE COUNTY RECORDS.

CNLI AMF I LP
PARCEL ID: 16-312-00-02-003.02 01
TEMPORARY CONSTRUCTION EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF TRACT 2 OF A SURVEY RECORDED IN BOOK 688, PAGE 343, ALSO BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 2453, PAGE 57, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT BEING A POINT ON THE NORTH RIGHT-OF-WAY OF NEBRASKA AVENUE THENCE WITH THE SOUTH LINE OF SAID TRACT 2 ALONG SAID NORTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE N.81°54'05"W, 220.33 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.49°05'15"E, 161.21 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE WITH SAID NORTH LINE S.81°59'20"E, 109.69 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 2, THENCE WITH SAID EAST LINE S.05°47'40"W, 121.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 20089 SQUARE FEET, INCLUSIVE OF 5200 SQUARE FEET OF PERMANENT DRAINAGE EASEMENT AND 2158 SQUARE FEET OF STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 385 OF THE BOONE COUNTY RECORDS.

CNLI AMF I LP
PARCEL ID: 16-312-00-02-003.02 01
PERMANENT DRAINAGE EASEMENT

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF TRACT 2 IN A SURVEY RECORDED IN BOOK 688, PAGE 343, ALSO BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 2453, PAGE 57, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT SOUTHEAST CORNER OF SAID TRACT BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE EAST LINE OF SAID TRACT 2 N.05°47'40"E, 10.01 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO A POINT ON THE NORTH LINE OF A 10 FOOT WIDE STREET EASEMENT RECORDED IN BOOK 379, PAGE 385 OF THE BOONE COUNTY RECORDS; THENCE WITH SAID NORTH LINE N.81°54'05"W, 65.20 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH THE NORTH LINE OF SAID STREET EASEMENT N.81°54'05"W, 122.99 FEET; THENCE LEAVING SAID NORTH LINE N.56°57'45"E, 127.48 FEET; THENCE S.39°10'45"E, 42.91 FEET; THENCE S.56°57'45"W, 46.37 FEET; THENCE S.43°18'50"E, 38.87 FEET TO THE POINT OF BEGINNING AND CONTAINING 5200 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