

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 143-20

AN ORDINANCE

declaring the need to acquire easements for construction of the Lenoir Street 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 easements for construction of the Lenoir Street improvement project, described as follows:

**Curators of the University Of Missouri
PERMANENT DRAINAGE EASEMENT
Parcel: 17-803-00-00-001.00**

An irregular shaped parcel of land at the intersection of the North Easterly right of way line for U.S. Highway 63 and the street easement described by Book 3087 Page 4 of the Boone County Records, said parcel being described as follows:

COMMENCING at said intersection(Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone); thence S.50°06'22"E., 1.08 feet to a non-tangent curve to the left; thence along said curve a distance of 178.45 feet having a radius of 497.34 feet (chord S.82°56'05"E., 177.50 feet) to the POINT OF BEGINNING; thence leaving said curve S.37°24'39"W., 27.49 feet thence S.52°35'21"E., 14.00 feet; thence N.37°24'39"E., 39.57 feet to a non-tangent curve to the right also being said street

easement line of Discovery Drive; thence along said curve a distance of 18.76 feet having a radius of 497.00 feet (chord S.85°41'55"W., 18.75 feet) to the POINT OF BEGINNING and containing 471 square feet inclusive of 368 square feet of existing 20' wide drainage and utility easement and 103 square feet of existing 10' wide electric easement.

Curators of the University Of Missouri
TEMPORARY CONSTRUCTION EASEMENT-1
Parcel: 17-704-00-00-003.00

An irregular shaped parcel of land along the South line of a tract of land described in a warranty deed in Book 272 at Page 9, of Boone County Records; situate in the Northeast quarter of section 32, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the Southwest corner of said tract; thence along the West line of said tract (Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone) N.45°46'53"E., 17.61 feet; thence leaving said line S.47°53'13"E., 221.53 feet; thence S.51°04'30"E., 234.81 feet to the East line of said tract; thence along said line S.01°05'25"W., 7.52 feet to the South line of said tract; thence along said line N.51°51'31"W., 249.65 feet; thence N.49°56'55"W., 213.13 feet to the POINT OF BEGINNING and containing 4,811 square feet inclusive of 4,811 square feet of existing 20' wide drainage and utility easement.

Curators of the University Of Missouri
TEMPORARY CONSTRUCTION EASEMENT-2
Parcel: 17-803-00-00-001.00

An irregular shaped parcel of land along the South line of a tract of land described in a warranty deed in Book 222 Page 417, of Boone County Records; situate in the Northwest quarter of Section 33, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the Southwest corner of said tract; thence along the West line of said tract (Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone) N.01°05'25"E., 7.52 feet; thence leaving said line S.51°51'30"E., 177.30 feet; thence N.58°55'36"E., 20.32 feet; thence S.51°51'30"E., 28.00 feet; thence S.21°17'29"W., 26.12 feet to the South line of said tract; thence along said line N.51°51'30"W., 215.55 feet to the POINT OF BEGINNING and containing 1,956 square feet inclusive of 1,808 feet of existing 20' wide drainage and utility easement.

Curators of the University Of Missouri
TEMPORARY CONSTRUCTION EASEMENT-3
Parcel: 17-803-00-00-001.00

An irregular shaped parcel of land along the South line of a tract of land described in a warranty deed in Book 222 Page 417, of Boone County Records; situate in the Northwest quarter of Section 33, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the Southeast corner of said tract; thence along the South line of said tract (Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone) S.84°20'30"W., 79.72 feet; thence along a non-tangent curve to the right a distance of 262.14 feet having a radius of 421.00 feet (chord N.77°49'45"W., 257.92 feet); thence leaving said curve S.82°54'03"E., 27.73 feet; thence along a non-tangent curve to the left a distance of 230.35 feet having a radius of 411.00 feet (chord S.79°36'40"E., 227.35 feet); thence leaving said curve N.84°20'30"E., 79.72 feet to the East line of said tract; thence along said line S.05°40'07"E., 10.00 feet to the POINT OF BEGINNING and containing 3,262 square feet inclusive of 3,262 feet of existing 20' wide drainage and utility easement.

Curators of the University Of Missouri
TEMPORARY CONSTRUCTION EASEMENT-4
Parcel: 17-803-00-00-001.00

An irregular shaped parcel of land at the intersection of the North Easterly right of way line for U.S. Highway 63 and the street easement described by Book 3087 Page 4 of the Boone County Records, said parcel being described as follows:

COMMENCING at said intersection; thence (Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone) S.50°06'22"E., 1.08 feet to the POINT OF BEGINNING; thence leaving said line to a non-tangent curve to the left; thence along said curve a distance of 178.45 feet having a radius of 497.34 feet (chord S.82°56'05"E., 177.50 feet); thence leaving said curve S.37°24'39"W., 27.49 feet; thence S.52°35'21"E., 14.00 feet; thence N.37°24'39"E., 39.97 feet to said street easement line; thence along said line N.84°20'13"E., 99.38 feet; thence leaving said line S.05°40'00"E., 6.00 feet; thence S.84°20'00"W., 94.17 feet; thence S.44°18'36"W., 57.56 feet; thence N.52°35'21"W., 16.00 feet; thence N.28°22'20"E., 32.92 feet to a non-tangent curve to the right; thence along said curve a distance of 153.58 feet having a radius of 503.00 feet (chord N.82°58'40"W., 152.99 feet) to the Northeasterly right of way line for U.S. Highway 63; thence along said line N.49°56'38"W., 15.05 feet to the POINT OF BEGINNING and containing 2,243 square feet inclusive of 1,840 square feet of existing 20' wide drainage and utility easement, 169 square feet of existing 10' electric easement, 180 feet of existing water line easement and 273 feet of existing CPWD 20' wide easement.

Whirlwind Properties, INC
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 17-704-00-00-012.00

An irregular shaped parcel of land along the East line of a tract of land described in a warranty deed in Book 2757 at Page 11, of Boone County Records; situate in the North East part of the Northeast quarter (1/4) of Section 32, Township 48 North, Range 12 West, in Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the South line of said tract (Bearings written herein are based upon the Missouri State Plane Coordinate System Central Zone) N.49°57'17"W., 50.00 feet; thence leaving said line S.84°37'16"E., 65.33 feet to the East line of said tract; thence along said line S.45°46'53"W., 37.55 feet to the POINT OF BEGINNING and containing 929 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