

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 141-22

AN ORDINANCE

amending Ordinance No. 024964 as it relates to the acquisition of easements for the installation of audible pedestrian signals with countdown timers, crosswalk markings, and the reconstruction of sidewalk ramps at the intersection of Worley Street and Bernadette Drive and the intersection of Worley Street and West Boulevard; authorizing the acquisition of a permanent sidewalk easement for the property owned by McLarty RE, LLC; 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, Ordinance No. 024964 passed on March 21, 2022 authorized the acquisition of easements for the installation of audible pedestrian signals with countdown timers, crosswalk markings, and the reconstruction of sidewalk ramps at the intersection of Worley Street and Bernadette Drive and the intersection of Worley Street and West Boulevard; and

WHEREAS, the property interest to be acquired for the property owned by McLarty RE, LLC was incorrectly identified as a permanent street easement rather than a permanent sidewalk easement; and

WHEREAS, the City Council wishes to correct this situation by deleting the incorrect property interest description from Ordinance No. 024964 and authorizing the acquisition of a new permanent sidewalk easement against the property intended to be acquired; and

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. Section 1 of Ordinance No. 024964 is amended by deleting that portion of the ordinance setting forth the easement description beginning on page 1 and continuing on page 2 of the ordinance that declared the need to acquire a permanent street easement from McLarty RE, LLC (Parcel: 16-216-00-04-001.00 01).

SECTION 2. The City Council hereby declares the need to acquire a permanent sidewalk easement for the installation of audible pedestrian signals with countdown timers, crosswalk markings, and the reconstruction of sidewalk ramps at the intersection of Worley Street and Bernadette Drive and the intersection of Worley Street and West Boulevard, described as follows:

**MCLARTY RE, LLC A DELAWARE LIMITED LIABILITY COMPANY
PARCEL ID: 16-216-00-04-001.00 01
A PERMANENT SIDEWALK EASEMENT**

AN EASEMENT LOCATED IN SECTION TEN (10), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF A TRACT OF LAND DESCRIBED AS LOT ONE (1) MACHENS SUBDIVISION AS SHOWN IN PLAT BOOK 10, PAGE 95, BEING FURTHER SHOWN AND DESCRIBED BY SURVEY RECORDED IN BOOK 4509, PAGE 124, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF BERNADETTE DRIVE THENCE WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 2.62 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°35'40"E, 2.62 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE NORTH CORNER OF AN EXISTING SIDEWALK EASEMENT RECORDED IN BOOK 4217, PAGE 115, OF THE BOONE COUNTY RECORDS ALSO BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID EAST RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT 7.56 FEET, CURVE RADIUS 845.27 FEET, CHORD N.07°56'25"E, 7.56 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S.16°24'10"E, 5.27 FEET; THENCE S.74°06'20"E, 8.85 FEET; THENCE S.76°53'30"E, 17.17 FEET; THENCE S.07°22'20"E, 2.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WORLEY STREET; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE N.83°03'00"W, 14.72 FEET TO THE EAST CORNER OF SAID SIDEWALK EASEMENT; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE ALONG NORTH LINE OF SAID SIDEWALK EASEMENT N.71°54'40"W, 13.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 92 SQUARE FEET.

SECTION 3. The City Manager is authorized to acquire the land described in Section 2 by negotiation or by the exercise of the power of eminent domain as set forth in Section 4 hereof.

SECTION 4. 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 5. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 2, 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 2 by condemnation.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2022.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor