

Introduced by Treece  
First Reading 2-5-18 Second Reading 2-19-18  
Ordinance No. 023481 Council Bill No. B 39-18

### AN ORDINANCE

declaring the need to acquire certain interests in real property; 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 property for construction of a six-foot wide sidewalk along the west side of Oakland Gravel Road, between Blue Ridge Road and Edris Drive, described as follows:

#### PERMANENT SIDEWALK EASEMENT

**Joseph W. Harper**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N89°47'10"W ALONG THE NORTH LINE OF SAID

LOT 1, A DISTANCE OF 2.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID LOT 1 S00°14'00"W, A DISTANCE OF 53.05 FEET; THENCE S8°29'00"W, A DISTANCE OF 19.67 FEET; THENCE S00°15'25"W, A DISTANCE OF 49.77 FEET; THENCE S15°52'45"W, A DISTANCE OF 20.93 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT OF WAY LINE OF EDRIS DRIVE; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SAID RIGHT OF WAY LINE N89°52'00"E, A DISTANCE OF 10.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG THE EAST LINE OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF SAID ROAD N00°14'00"E, A DISTANCE OF 142.38 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 567 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 4520 PAGE 185 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENTS OF RECORD OR NOT OF RECORD, IF ANY.

#### **TEMPORARY CONSTRUCTION EASEMENT**

**Joseph W. Harper**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N89°47'10"W ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 9.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID LOT 1 S00°14'00"W, A DISTANCE OF 118.52 FEET; THENCE S18°38'30"W, A DISTANCE OF 25.25 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID LOT 1 AND THE NORTH RIGHT OF WAY LINE OF EDRIS DRIVE; THENCE ALONG THE SOUTH LINE OF SAID LOT 1 AND THE SAID RIGHT OF WAY LINE N89°52'00"E, A DISTANCE OF 16.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG THE EAST LINE OF SAID LOT 1 AND THE WEST RIGHT OF WAY LINE OF SAID ROAD

N00°14'00"E, A DISTANCE OF 142.38 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1377 SQUARE FEET (INCLUSIVE OF 567 SQUARE FEET OF PERMANENT SIDEWALK EASEMENT) AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 4520 PAGE 185 OF THE BOONE COUNTY RECORDS.

#### **TEMPORARY CONSTRUCTION EASEMENT**

**Darrel E. Steuerwald Trust**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N00°14'35"E ALONG THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD, A DISTANCE OF 446.73 FEET TO THE SOUTHEAST CORNER OF LOT 10 OF SAID SUBDIVISION AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID LOT 10 N89°46'00"W, A DISTANCE OF 2.00 FEET; THENCE CONTINUE ALONG THE SOUTH LINE OF SAID LOT 10 S66°51'00"W, A DISTANCE OF 7.63 FEET; THENCE LEAVING THE SOUTH LINE OF SAID LOT 10 N00°14'00"E, A DISTANCE OF 52.46 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID LOT 10 AND THE SOUTH RIGHT OF WAY LINE OF BLUE RIDGE ROAD; THENCE N89°52'00"E ALONG THE NORTH LINE OF SAID LOT 10 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10 AND THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD; THENCE S00°14'00"W, A DISTANCE OF 49.49 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 456 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 868 PAGE 625 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENT OF RECORD OR NOT OF RECORD, IF ANY.

## **PERMANENT SIDEWALK EASEMENT**

**Marie Pourooshab**

AN IRREGULAR SHAPED TRACT LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE ALONG THE NORTH LINE OF SAID LOT 1 N89°47'10"W, A DISTANCE OF 2.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID LOT 1 N00°14'35"E, A DISTANCE OF 99.93 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SURVEY IN BOOK 297, PAGE 60 AND THE NORTH LINE OF THE DEED IN BOOK 3795, PAGE 81; THENCE ALONG THE NORTH LINE OF SAID SURVEY AND DEED S89°46'00"E, A DISTANCE OF 2.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD S00°14'35"W, A DISTANCE OF 99.93 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 200 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 3795 PAGE 81 OF THE BOONE COUNTY RECORDS.

## **TEMPORARY CONSTRUCTION EASEMENT**

**Marie Pourooshab**

A 9' WIDE STRIP OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE ALONG THE NORTH LINE OF SAID LOT 1 N89°47'10"W, A DISTANCE OF 9.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID LOT 1 N00°14'35"E, A DISTANCE OF 99.93 FEET

TO THE INTERSECTION WITH THE NORTH LINE OF THE SURVEY IN BOOK 297, PAGE 60 AND THE NORTH LINE OF THE DEED IN BOOK 3795, PAGE 81; THENCE ALONG THE NORTH LINE OF SAID SURVEY AND DEED S89°46'00"E, A DISTANCE OF 9.00 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD; THENCE ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD S00°14'35"W, A DISTANCE OF 99.93 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 899 SQUARE FEET (INCLUSIVE OF 200 SQUARE FEET OF PERMANENT SIDEWALK EASEMENT) AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 3795 PAGE 81 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENTS OF RECORD OR NOT OF RECORD, IF ANY.

**TEMPORARY CONSTRUCTION EASEMENT**  
**Saroeum and Sryeroth Khun**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N00°14'35"E ALONG THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD, A DISTANCE OF 99.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD N00°14'35"E, A DISTANCE OF 100.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SURVEY IN BOOK 289, PAGE 636 AND THE DEED IN BOOK 1745, PAGE 532; THENCE ALONG THE NORTH LINE OF SAID SURVEY AND DEED N89°46'00"W, A DISTANCE OF 9.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID SURVEY AND DEED S00°14'35"W, A DISTANCE OF 9.95 FEET; THENCE S87°54'50"W, A DISTANCE OF 8.00 FEET; THENCE S00°15'40"W, A DISTANCE OF 20.55 FEET; THENCE S89°20'45"E, A DISTANCE OF 8.00 FEET; THENCE S00°14'35"W, A DISTANCE OF 69.12 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SURVEY AND DEED; THENCE ALONG THE SOUTH LINE OF SAID DEED AND SURVEY S89°46'00"E, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1066 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 1745 PAGE 532 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENT OF RECORD OR NOT OF RECORD, IF ANY.

#### **TEMPORARY CONSTRUCTION EASEMENT**

**William Hal and Melba Mae Shaffer**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N00°14'35"E ALONG THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD, A DISTANCE OF 199.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD N00°14'35"E, A DISTANCE OF 102.92 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE DEED IN BOOK 346, PAGE 340; THENCE ALONG THE NORTH LINE OF SAID DEED S86°07'00"W, A DISTANCE OF 11.03 FEET; THENCE LEAVING THE NORTH LINE OF SAID DEED S00°14'35"W, A DISTANCE OF 13.19 FEET; THENCE N89°06'25"W, A DISTANCE OF 10.74 FEET; THENCE S00°54'30"W, A DISTANCE OF 22.49 FEET; THENCE S89°44'55"E, A DISTANCE OF 13.00 FEET; THENCE S00°14'35"W, A DISTANCE OF 66.57 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID DEED; THENCE ALONG THE SOUTH LINE OF SAID DEED S89°46'00"E, A DISTANCE OF 9.00 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1,239 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 346 PAGE 340 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENT OF RECORD OR NOT OF RECORD, IF ANY.

**TEMPORARY CONSTRUCTION EASEMENT**  
**Lurline F. Griggs**

AN IRREGULAR SHAPED TRACT OF LAND LYING WEST OF AND ABUTTING AN EXISTING OAKLAND GRAVEL ROAD RIGHT OF WAY. LOCATED IN THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1 OF OAKLAND JUNIOR HIGH SUBDIVISION BLOCK I RECORDED IN PLAT BOOK 10, PAGE 66; THENCE N00°14'35"E ALONG THE WEST RIGHT OF WAY LINE OF OAKLAND GRAVEL ROAD, A DISTANCE OF 302.85 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE WEST RIGHT OF WAY LINE OF SAID ROAD N00°14'35"E, A DISTANCE OF 143.88 FEET TO THE INTERSECTION WITH THE NORTH LINE OF THE SURVEY IN BOOK 297, PAGE 139 AND THE DEED IN BOOK 659, PAGE 187; THENCE ALONG THE NORTH LINE OF SAID SURVEY AND DEED N89°46'00"W, A DISTANCE OF 2.00 FEET; THENCE CONTINUE ALONG THE NORTH LINE OF SAID SURVEY AND DEED S66°51'00"W, A DISTANCE OF 7.60 FEET; THENCE LEAVING THE NORTH LINE OF SAID SURVEY AND DEED S00°14'35"W, A DISTANCE OF 63.75 FEET; THENCE N89°17'45"W, A DISTANCE OF 15.64 FEET; THENCE S00°42'15"W, A DISTANCE OF 20.42 FEET; THENCE S89°13'50"E, A DISTANCE OF 13.77 FEET; THENCE S00°14'35"W, A DISTANCE OF 57.48 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID DEED; THENCE ALONG THE SOUTH LINE OF SAID DEED N86°07'00"E, A DISTANCE OF 11.03 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1,721 SQUARE FEET AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 659 PAGE 187 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENT OF RECORD OR NOT OF RECORD, IF ANY.

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 19th day of February, 2018.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor