

Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. B 469-05

AN ORDINANCE

declaring the need to acquire easements necessary to construct the EP-1 Trunk Sewer, an 80-acre point sanitary sewer serving the Opal Smith 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 easements for the construction of the EP-1 Trunk Sewer, an 80-acre point sanitary sewer serving the Opal Smith property described as follows:

Keith & Jennifer Overton
PERMANENT SEWER EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcels: 16-415-20-00-001.00 01, & 16-402-17-00-009.00 01

TWO 16.00-FOOT WIDE STRIPS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20 AND THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 13 WEST,

BOONE COUNTY, MISSOURI, MISSOURI; BEING PART OF THE SURVEY RECORDED IN BOOK 739, PAGE 18 OF THE RECORDS OF BOONE COUNTY, SAID 16.00-FOOT STRIP LAYING 8.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

STRIP A

COMMENCING FROM THE SOUTHWEST CORNER OF TRACT A OF THE SURVEY RECORDED IN BOOK 2556, PAGE 16 OF THE RECORDS OF BOONE COUNTY, THENCE S84°26'35"E, 270.46 FEET TO THE POINT OF BEGINNING; THENCE S29°06'20"W, 206.16 FEET; THENCE S67°10'10"E, 177.60 FEET; THENCE S45°41'50"W, 5.14 FEET TO THE END OF SAID DESCRIBED CENTERLINE.

STRIP B

COMMENCING FROM THE SOUTHWEST CORNER OF TRACT A OF THE SURVEY RECORDED IN BOOK 2556, PAGE 16 OF THE RECORDS OF BOONE COUNTY, THENCE S84°26'35"E, 270.46 FEET; THENCE S29°06'20"W, 206.16 FEET; THENCE S67°10'10"E, 177.60 FEET; THENCE S45°41'50"W, 73.84 FEET TO THE POINT OF BEGINNING; THENCE S45°41'50"W, 45.30 FEET; THENCE S41°39'05"W, 205.97 FEET; THENCE S40°53'50"W, 379.54 FEET; THENCE S22°27'05"E, 88.17 FEET; THENCE S22°31'25"W, 230.00 FEET; THENCE N71°05'10"W, 165.00 FEET; THENCE N89°09'00"W, 138.26 FEET; THENCE S20°46'10"W, 559.32 FEET; THENCE S01°56'00"W, 47.41 FEET TO THE END OF SAID DESCRIBED CENTERLINE.

Keith & Jennifer Overton

TEMPORARY CONSTRUCTION EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property

Parcels: 16-415-20-00-001.00 01, & 16-402-17-00-009.00 01

TWO TRACTS OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20 AND THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI; BEING PART OF THE SURVEY RECORDED IN BOOK 739, PAGE 18 OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

COMMENCING FROM THE SOUTHWEST CORNER OF TRACT A OF THE SURVEY RECORDED IN BOOK 2556, PAGE 16 OF THE RECORDS OF BOONE COUNTY, THENCE S84°26'35"E, 215.92 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID SURVEY, S84°26'35"E, 81.81 FEET; THENCE LEAVING THE SOUTH LINE OF SAID SURVEY, S29°06'20"W, 225.68 FEET; THENCE S67°10'10"W, 181.49 FEET; THENCE S45°41'50"W, 24.53 FEET TO POINT A; THENCE N00°19'05"W, 90.91 FEET; THENCE N67°10'10"E, 143.64 FEET; THENCE N29°06'20"E, 167.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 27,724 SQUARE FEET.

TRACT 2

COMMENCING FROM SAID POINT A, THENCE S45°41'50"W, 23.48 FEET TO THE POINT OF BEGINNING; THENCE S45°41'50"W, 65.50 FEET; THENCE S41°39'05"W, 213.81 FEET; THENCE S40°53'50"W, 363.95 FEET; THENCE S22°27'05"E, 100.77 FEET; THENCE S22°31'25"W, 275.57 FEET; THENCE N71°05'10"W, 191.47 FEET; THENCE N89°09'00"W, 95.25 FEET; THENCE S20°46'10"W, 515.96 FEET; THENCE S01°56'00"W, 42.61 FEET TO A POINT ALONG THE NORTH LINE OF THE SURVEY RECORDED IN BOOK 1939, PAGE 711 OF THE RECORDS OF BOONE COUNTY; THENCE ALONG SAID LINE, N84°04'15"W, 75.18 FEET; THENCE LEAVING SAID LINE, N01°56'00"E, 49.81 FEET; THENCE N20°46'10"E, 581.00 FEET; THENCE S89°09'00"E, 159.77 FEET; THENCE S71°05'10"E, 132.98 FEET; THENCE N22°31'25"E, 174.11 FEET; THENCE N22°27'05"W, 116.00 FEET; THENCE N40°56'50"E, 410.72 FEET; THENCE N41°39'05"E, 208.07 FEET; THENCE N45°41'50"E, 4.91 FEET; THENCE S84°26'25"E, 98.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.13 ACRES.

Samuel Boyce and Tammy Matheney
PERMANENT SEWER EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-415-00-01-004.00 01

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING PART OF LOT 134 OF WESTCLIFF PLAT 1 AS RECORDED IN PLAT BOOK 38, PAGE 88; BEING OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FROM THE NORTHWEST CORNER OF SAID LOT 134, THENCE S89°06'25"E, 12.17 FEET; THENCE S00°47'35"E, 31.20 FEET; THENCE S68°43'25"W, 5.44 FEET; THENCE N80°01'40"W, 4.86 FEET; THENCE 04°49'50"W, 32.63 FEET TO THE POINT OF BEGINNING AND CONTAINING 358 SQUARE FEET.

Samuel Boyce and Tammy Matheney
TEMPORARY CONSTRUCTION EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-415-00-01-004.00 01

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING PART OF LOT 134 OF WESTCLIFF PLAT 1 AS RECORDED IN PLAT BOOK 38, PAGE 88; BEING OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FROM THE NORTHWEST CORNER OF SAID LOT 134, THENCE S89°06'25"E, 41.68 FEET; THENCE S00°47'35"E, 31.68 FEET; THENCE S89°12'25"W, 39.34 FEET; THENCE N04°49'50"W, 32.98 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,307 SQUARE FEET.

Opal E. Smith and Angelia H. Hilbert, Co-Trustees of the Ernest W. Smith Trust
PERMANENT SEWER EASEMENT
Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-415-20-00-001.00 01

A 16.00-FOOT WIDE STRIP OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI; BEING PART OF THE SURVEY RECORDED IN BOOK 2422, PAGE 17 OF THE RECORDS OF BOONE COUNTY, SAID 16.00-FOOT STRIP LAYING 8.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SURVEY, THENCE N84°26'25"W, 49.69 FEET TO THE POINT OF BEGINNING; THENCE N45°41'50"E, 68.69 FEET TO THE END OF SAID DESCRIBED CENTERLINE.

Opal E. Smith and Angelia H. Hilbert, Co-Trustees of the Ernest W. Smith Trust
TEMPORARY CONSTRUCTION EASEMENT
Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-415-20-00-001.00 01

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI; BEING PART OF THE SURVEY RECORDED IN BOOK 2422, PAGE 17 OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SURVEY, THENCE N84°26'25"W, 16.98 FEET TO THE POINT OF BEGINNING; THENCE N84°26'25"W, 98.10 FEET; THENCE N45°41'50"E, 125.48 FEET; THENCE N67°10'10"E, 26.20 FEET; THENCE S00°19'05"E, 90.91 FEET; THENCE S45°41'50"W, 23.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 6,686 SQUARE FEET.

Virtual Reality, LLC
PERMANENT SEWER EASEMENT
Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-415-00-01-012.00 01

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING PART OF TRACT 2 OF THE SURVEY AS RECORDED IN BOOK 1939, PAGE 711, BEING PART OF LOT 143 OF WESTCLIFF PLAT 1 AS RECORDED IN PLAT BOOK 38, PAGE 88, ALSO BEING PART OF LOT 208 OF WESTCLIFF PLAT 2 AS RECORDED IN PLAT BOOK 39, PAGE 33; ALL BEING OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID TRACT 2, THENCE S84°04'15"E, 35.38 FEET TO THE POINT OF BEGINNING; THENCE S84°04'15"E, 16.04 FEET; THENCE S01°56'00"W, 351.71 FEET; THENCE S00°47'35"E, 357.09 FEET; THENCE N89°06'25"W, 12.17 FEET; THENCE S04°49'50"E, 32.63 FEET; THENCE N80°01'40"W, 6.24 FEET; THENCE N00°47'35"W, 388.49 FEET; THENCE N01°56'00"E, 353.21 FEET TO THE POINT OF BEGINNING AND CONTAINING 11,510 SQUARE FEET.

Virtual Reality, LLC

TEMPORARY CONSTRUCTION EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property

Parcel: 16-415-00-01-012.00 01

A STRIP OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING PART OF TRACT 2 OF THE SURVEY AS RECORDED IN BOOK 1939, PAGE 711, BEING PART OF LOT 143 OF WESTCLIFF PLAT 1 AS RECORDED IN PLAT BOOK 38, PAGE 88, ALSO BEING PART OF LOT 208 OF WESTCLIFF PLAT 2 AS RECORDED IN PLAT BOOK 39, PAGE 33; ALL BEING OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF SAID TRACT 2, THENCE S84°04'15"E, 18.34 FEET TO THE POINT OF BEGINNING; THENCE S84°04'15"E, 75.18 FEET; THENCE S01°56'00"W, 347.78 FEET; THENCE N89°25'50"W, 12.50 FEET; THENCE S00°47'35"E, 357.25 FEET; THENCE N89°06'25"W, 41.68 FEET; THENCE S04°49'50"E, 32.98 FEET; THENCE S89°12'25"W, 35.66 FEET; THENCE N00°47'35"W, 390.71 FEET; THENCE S89°25'50"E, 12.50 FEET; THENCE N01°56'00"E, 354.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.25 ACRES.

Virtual Reality, LLC

TEMPORARY ACCESS EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property

Parcels: 16-415-00-01-012.00 01 & 16-419-00-04-031.00 01

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI; BEING PART OF LOT

143 OF WESTCLIFF PLAT 1 AS RECORDED IN PLAT BOOK 38, PAGE 88 OF THE RECORDS OF BOONE COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 143, THENCE ALONG A NON-TANGENT 681.44-FOOT RADIUS CURVE TO THE RIGHT, 21.36 FEET, SAID CURVE HAVING A CHORD, S84°25'35"W, 21.36 FEET TO THE POINT OF BEGINNING; THENCE ALONG A NON-TANGENT 681.44-FOOT RADIUS CURVE TO THE RIGHT, 55.30 FEET, SAID CURVE HAVING A CHORD S87°38'55"W, 55.28 FEET; THENCE N27°35'55"W, 51.73 FEET; THENCE N74°03'55"W, 155.92 FEET; THENCE N09°35'55"W, 477.91 FEET; THENCE N09°29'50"W, 401.59 FEET; THENCE N06°33'40"W, 402.44 FEET; THENCE N04°49'50"W, 413.70 FEET; THENCE N85°10'10"E, 23.31 FEET; THENCE N89°12'25"E, 26.76 FEET; THENCE S4°49'50"E, 411.06 FEET; THENCE S06°33'40"E, 400.41 FEET; THENCE S09°29'50"E, 400.27 FEET; THENCE S09°35'55"E, 446.33 FEET; THENCE S74°03'55"E, 145.85 FEET; THENCE S27°35'55"E, 96.77 FEET TO THE POINT OF BEGINNING.

Quail Creek West LLC
TEMPORARY ACCESS EASEMENT

Project: EP-1 Trunk Sewer - 80-acre point sewer to serve the Opal Smith Property
Parcel: 16-402-00-00-008.01 01

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF TRACT A OF THE SURVEY RECORDED IN BOOK 2556, PAGE 16 OF THE RECORDS OF BOONE COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 116 OF QUAIL CREEK PLAT 2 AS RECORDED IN PLAT BOOK 34, PAGE 54, S00°07'40"E, 125.25 FEET TO THE POINT OF BEGINNING; THENCE S00°07'40"E, 60.45 FEET; THENCE S55°40'20"W, 1233.55 FEET; THENCE N84°26'35"W, 77.97 FEET; THENCE N55°40'20"E, 1327.36 FEET TO THE POINT OF BEGINNING.

SECTION 2. The City Manager is authorized to acquire the land described in Section 1 by negotiation.

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 _____, 2005.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source

John Glascock



TO: City Council

FROM: City Manager and Staff 

DATE: September 19, 2005

SUBJECT: Easement Acquisitions – EP-1 an 80-acre point sewer to serve the Opal Smith Property

Fiscal Impact

Yes

No

Other Info.

EXECUTIVE SUMMARY

Staff has prepared for Council consideration an ordinance authorizing the acquisition of property rights necessary for the construction of the above-captioned sanitary sewer improvement. A sketch (Exhibit A) showing the location of this improvement is attached.

A public hearing for this project will be held on August 1, 2005 and the estimated cost for the project is \$260,000.

Discussion

The property rights necessary in order to construct the proposed sanitary sewer line include four (4) permanent sanitary sewer easements, four (4) temporary construction easements and two (2) temporary access easements. Five (5) property owners will be impacted by this easement acquisition process.

The staff is recommending Council approval of this easement acquisition ordinance.

SUGGESTED COUNCIL ACTION

Approval of the ordinance.



DRAINAGE BOUNDARY

80-ACRE POINT

PROPOSED 80-ACRE SEWER

LEGEND

- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER



City of Columbia, Missouri
Department of Public Works

OPAL SMITH PROPERTY
80-Acre Sewer Extension

Scale: NONE Drawn: S.C.A. Date: 11/05/05