

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 93-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 4/20/2015

Re: Easement Acquisition and Bid Call - Garth Avenue Sidewalk from Worley Street to Sexton Road

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Maps, Plats and Plans

Executive Summary

Authorizing the acquisition of necessary easements, and a bid call through the Purchasing division, for construction of the Garth Avenue Sidewalk project. The project includes sidewalk along the east side of Garth Avenue from Worley Street to Sexton Road, and a crosswalk across the east leg of the intersection of Garth Avenue and Worley Street, as shown on the attached location map and plan sheets. A public hearing was held on April 6, 2015.

Discussion

The proposed Garth Avenue Sidewalk project includes constructing 5 ft wide sidewalk with 3 ft of green space between the sidewalk and back of curb along the east side of Garth Avenue from Worley Street to Sexton Road. A crosswalk will be installed across the east leg of the intersection of Garth Avenue and Worley Street with pedestrian push buttons and countdown timers.

Permanent and temporary construction easements are needed on nine (9) tracts of land from eight (8) separate property owners. Right of Way plans showing the proposed easements are attached. Alternatively, instead of acquiring permanent and temporary construction easements for the property at 500 N. Garth Ave, the entire property may be acquired by fee simple acquisition such that the property may also be used for a future bus shelter location.

Fiscal Impact

Short-Term Impact: The project is estimated to cost \$123,000 and will be funded by Community Development Block Grant funds.

Long-Term Impact: The additional cost of maintenance for the sidewalk is approximately \$335 per year.

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Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Infrastructure, Mobility, Connectivity, and Accessibility

Suggested Council Action

Authorize the bid call and easement acquisition for the construction of the Garth Avenue Sidewalk project.

Legislative History

4/06/15 - (R33-15) Public Hearing

1/05/15 - Council approved reallocation of CDBG funds to provide funding from FY14 for the construction of this project.

10/20/14 - (R200-14) Engineering Services Agreement with Shafer, Kline, and Warren to design the Garth Avenue Sidewalk project

4/28/14 - Project endorsed by Columbia Housing Authority

5/15/13 - Public Works applied for CDBG funding for the design portion of this project.



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 93-15

AN ORDINANCE

declaring the need to acquire easements and land in fee simple for construction of the Garth Avenue Sidewalk Project, between Worley Street and Sexton Road; 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 and land in fee simple for construction of a sidewalk along the east side of Garth Avenue, between Worley Street and Sexton Road, described as follows:

Enrico Teubner Alvarez
Parcel: 16-315-00-13-004.00
Permanent Sidewalk Easement

An irregular shaped parcel of land being along the West side of a tract of land described by Special Warranty Deed in Book 3624 at Page 5, said parcel being part of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

BEGINNING at the Southwest Corner of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION; thence along the West line of said Lot 9, said line also being the East right-of-way of N.

Garth Avenue, North 01 degrees 13 minutes 13 seconds East a distance of 84.89 feet; thence leaving said West line, along the North line of said Lot 9, South 77 degrees 11 minutes 45 seconds East a distance of 7.66 feet; thence leaving said North line, South 01 degrees 13 minutes 13 seconds West a distance of 15.54 feet; thence South 8 degrees 20 minutes 43 seconds West a distance of 12.09 feet: thence South 01 degrees 13 minutes 13 seconds West a distance of 57.04 feet to the South line of said Lot 9, said line also being the North right-of-way of Noble Court; thence along said line, North 77 degrees 11 minutes 45 seconds West a distance of 6.12 feet to the Southwest corner of said Lot 9 and the POINT OF BEGINNING, said parcel containing 541.9 square feet.

Enrico Teubner Alvarez

Parcel: 16-315-00-13-004.00

Temporary Construction Easement

An irregular shaped parcel of land being along the West side of a tract of land described by Special Warranty Deed in Book 3624 at Page 5, said parcel being part of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

COMMENCING at the Southwest Corner of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION; thence along the West line of said Lot 9, said line also being the East right-of-way of N. Garth Avenue, North 01 degrees 13 minutes 13 seconds East a distance of 84.89 feet; thence leaving said West line, along the North line of said Lot 9, South 77 degrees 11 minutes 45 seconds East a distance of 7.66 feet to the POINT OF BEGINNING; thence continuing along said North line, South 77 degrees 11 minutes 45 seconds East a distance of 2.21 feet; thence leaving said line, South 04 degrees 09 minutes 21 seconds West a distance of 55.64 feet; thence South 05 degrees 53 minutes 35 seconds East a distance of 29.72 feet to the South line of said Lot 9, said line also being the North right-of-way of Noble Court; thence along said line, North 77 degrees 11 minutes 45 seconds West a distance of 4.59 feet; thence leaving said line, North 01 degrees 13 minutes 13 seconds East a distance of 57.04 feet; thence North 08 degrees 20 minutes 43 seconds East a distance of 12.09 feet; thence North 01 degrees 13 minutes 13 seconds East a distance of 15.54 feet to POINT OF BEGINNING, said parcel containing 169.4 square feet.

Morched & Lilia Ben-Ayed

Parcel: 16-315-00-11-064.00

Permanent Sidewalk Easement

The West Seven and one-quarter feet (7.25 ft) of a tract of land described in Warranty Deed in Book 3708 at Page 39, said tract being part of Lot 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 333.5 square feet.

Morched & Lilia Ben-Ayed
Parcel: 16-315-00-11-064.00
Temporary Construction Easement

The East eight feet (8 ft) of the West fifteen and one-quarter feet (15.25 ft) of a tract of land described in Warranty Deed in Book 3708 at Page 39, said tract being part of Lot 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 368.0 square feet.

F & F Properties, L.L.C., a Missouri limited liability company
Parcel: 16-315-00-11-065.00
Permanent Sidewalk Easement

The West Seven and one-quarter feet (7.25 ft) of a tract of land described in Warranty Deed as in Book 3725 at Page 87, said tract being part of Lot 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 333.5 square feet.

F & F Properties, L.L.C., a Missouri limited liability company
Parcel: 16-315-00-11-065.00
Temporary Construction Easement

The East eight feet (8 ft) of the West fifteen and one-quarter feet (15.25 ft) of a tract of land described in Warranty Deed as in Book 3725 at Page 87, said tract being part of Lot 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 368.0 square feet.

Housing Authority of the City of Columbia, Missouri, a municipal corporation
Parcel: 16-315-00-11-001.00
Permanent Sidewalk Easement

An irregular shaped parcel of land being along the West side of a tract of land described by Special Warranty Deed in Book 3624 at Page 5, said parcel being part of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

BEGINNING at the Southwest Corner of the North half of vacated Lynn Street as shown in survey By James S. Reed LS 98, recorded in Book 333 at Page 177, said corner also being on the East right-of-way of N. Garth Avenue, thence along said right-of-way, North 01

degrees 13 minutes 13 seconds East a distance of 265.44; thence leaving said right-of-way, South 88 degrees 49 minutes 18 seconds East a distance of 9.50 feet; thence South 01 degrees 13 minutes 13 seconds West a distance of 150.10 feet; thence South 04 degrees 09 minutes 06 seconds West a distance of 29.33 feet; thence South 01 degrees 13 minutes 13 seconds West a distance of 31.58 feet; thence South 02 degrees 33 minutes 37 seconds West a distance of 21.38 feet; thence South 01 degrees 13 minutes 13 seconds West a distance of 34.63 feet to the South line of the North half of vacated Lynn Street; thence along said line North 77 degrees 11 minutes 45 seconds West a distance of 7.66 feet to the POINT OF BEGINNING, said parcel containing 2,354.5 square feet.

Housing Authority of the City of Columbia, Missouri, a municipal corporation
Parcel: 16-315-00-11-001.00
Temporary Construction Easement

An irregular shaped parcel of land being along the West side of a tract of land described by Special Warranty Deed in Book 3624 at Page 5, said parcel being part of Lot 9, Block 1 of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

COMMENCING at the Southwest Corner of the North half of vacated Lynn Street as shown in survey By James S. Reed LS 98, recorded in Book 333 at Page 177, said corner also being on the East right-of-way of N. Garth Avenue, thence along said right-of-way, North 01 degrees 13 minutes 13 seconds East a distance of 265.44; thence leaving said right-of-way, South 88 degrees 49 minutes 18 seconds East a distance of 9.50 feet to the POINT OF BEGINNING; thence continuing South 88 degrees 49 minutes 18 seconds East a distance of 8.00 feet; thence South 01 degrees 13 minutes 13 seconds West a distance of 150.10 feet; thence South 01 degrees 25 minutes 48 seconds East a distance of 54.06 feet; thence South 10 degrees 29 minutes 14 seconds West a distance of 64.16 feet to the South line of the North half of said vacated Lynn Street; thence along said line North 77 degrees 11 minutes 45 seconds West a distance of 2.21 feet; thence leaving said line North 01 degrees 13 minutes 13 seconds East a distance of 34.63 feet; thence North 02 degrees 33 minutes 37 seconds East a distance of 21.38 feet; thence North 01 degrees 13 minutes 13 seconds East a distance of 31.58 feet; thence North 04 degrees 09 minutes 06 seconds East a distance of 29.33 feet; thence North 01 degrees 13 minutes 13 seconds East a distance of 150.10 feet to the POINT OF BEGINNING, said parcel containing 2,214.6 square feet.

Alma L. Tapp
Parcel: 16-315-00-13-005.00
Permanent Sidewalk Easement

The West Seven and one-quarter feet (7.25 ft) of a tract of land as described in Warranty Deed in Book 1694 at Page 534, said tract being part of Lot One (1) in Block Two (2) of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 421.4 square feet.

Alma L. Tapp
Parcel: 16-315-00-13-005.00
Temporary Construction Easement

The East eight feet (8 ft) of the West fifteen and one-quarter feet (15.25 ft) of a tract of land as described in Warranty Deed in Book 1694 at Page 534, said tract being part of Lot One (1) in Block Two (2) of L.M. NOBLE'S SUBDIVISION, recorded in Plat Book 5 at Page 43, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 461.9 square feet.

Debra E. Thrower
Parcel: 16-315-00-11-063.00
Parcel: 16-315-00-11-062.00
Permanent Sidewalk Easement

The West Seven and one-quarter feet (7.25 ft) of two (2) tracts of land described in Quit Claim Deed in Book 1693 at Page 133, and described in Deed of Personal Representative recorded in Book 3254 at Page 56, said tracts being part of Lots 12 and 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 668.7 square feet.

Debra E. Thrower
Parcel: 16-315-00-11-063.00
Parcel: 16-315-00-11-062.00
Temporary Construction Easement

The East eight feet (8 ft) of the West fifteen one-quarter feet (15.25 ft) of two (2) tracts of land described in Quit Claim Deed in Book 1693 at Page 133, and described in Deed of Personal Representative recorded in Book 3254 at Page 56, said tracts being part of Lots 12 and 13 of JOHN A STEWART'S SUBDIVISION, recorded in Plat Book 1 at Page 21, all of the Boone County Records, in the City of Columbia, Boone County Missouri and containing 733.9 square feet.

Nathan R. Williams, Jr. and Maryann Williams
Parcel: 16-319-00-07-007.00
Permanent Sidewalk Easement

An irregular shaped parcel of land being in the Northwest corner of a tract of land described by Independent Personal Representative Deed in Book 3918 at Page 59, said parcel being part of the West 86 feet of Lot 4 in AKER PLACE, recorded in Plat Book 3 at Page 11, all of Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

BEGINNING at the Northwest Corner of said Lot 4; thence along the North line of said Lot, said line also being the South right-of-way of Worley Street, South 81 degrees 51 minutes 33 seconds East a distance of 6.83 feet; thence leaving said North line of said Lot; thence South 61 degrees 10 minutes 25 seconds West a distance of 7.84 feet to the West line of said Lot, said line also being the East right-of-way of N. Garth Avenue; thence along said line North 01 degrees 20 minutes 17 seconds East a distance of 4.75 feet to the Northwest corner of said Lot and the POINT OF BEGINNING, said parcel containing 16.1 square feet.

Nathan R. Williams, Jr. and Maryann Williams
Parcel: 16-319-00-07-007.00
Temporary Construction Easement:

An irregular shaped parcel of land being in the Northwest corner of a tract of land described by Independent Personal Representative Deed in Book 3918 at Page 59, said parcel being part of the West 86 feet of Lot 4 in AKER PLACE, recorded in Plat Book 3 at Page 11, all of Boone County Records, in the City of Columbia, Boone County, Missouri; said parcel being more particularly described as follows:

COMMENCING at the Northwest Corner of said Lot 4; thence along the North line of said Lot, said line also being the South right-of-way of Worley Street, South 81 degrees 51 minutes 33 seconds East a distance of 6.83 feet to the POINT OF BEGINNING; thence continuing along said North line of said Lot, South 81 degrees 51 minutes 33 seconds East a distance of 23.40 feet; thence leaving said line, South 07 degrees 54 minutes 15 seconds West a distance of 4.59 feet; thence North 81 degrees 51 minutes 33 seconds West a distance of 21.20 feet; thence South 61 degrees 10 minutes 25 seconds West a distance of 9.75 feet to the West line of said Lot, said line also being the East right-of-way line of N. Garth Avenue; thence along said line North 01 degrees 20 minutes 17 seconds East a distance of 5.78 feet; thence North 61 degrees 10 minutes 25 seconds East a distance of 7.84 feet to the POINT OF BEGINNING, said parcel containing 147.3 square feet.

Brian N. Treece, and Arthouse Properties, L.L.C., a Missouri limited liability company
Parcel: 16-315-00-11-066.00
Fee simple Acquisition

A part of Lots 13 and 14 of JOHN A. STEWART'S SUBDIVISION of the Southwest part of the Southeast Quarter of the Northwest Quarter of Section 12, Township 48 North, Range 13 West, Boone County, Missouri, described as follows:

Beginning at the Southwest Corner of Lot 13; thence East along the South Line of Lots 13 & 14 to a point 46 feet West of the Southeast Corner of Lot 14; thence North parallel with the East Line of Lot 14, 46 feet; thence West parallel with the South Line of Lots 14 and 13 to a point on the West Line of Lot 13, 46 feet North of the beginning; thence South 46 feet to the beginning, all in the City of Columbia, Boone County, Missouri.

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 _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

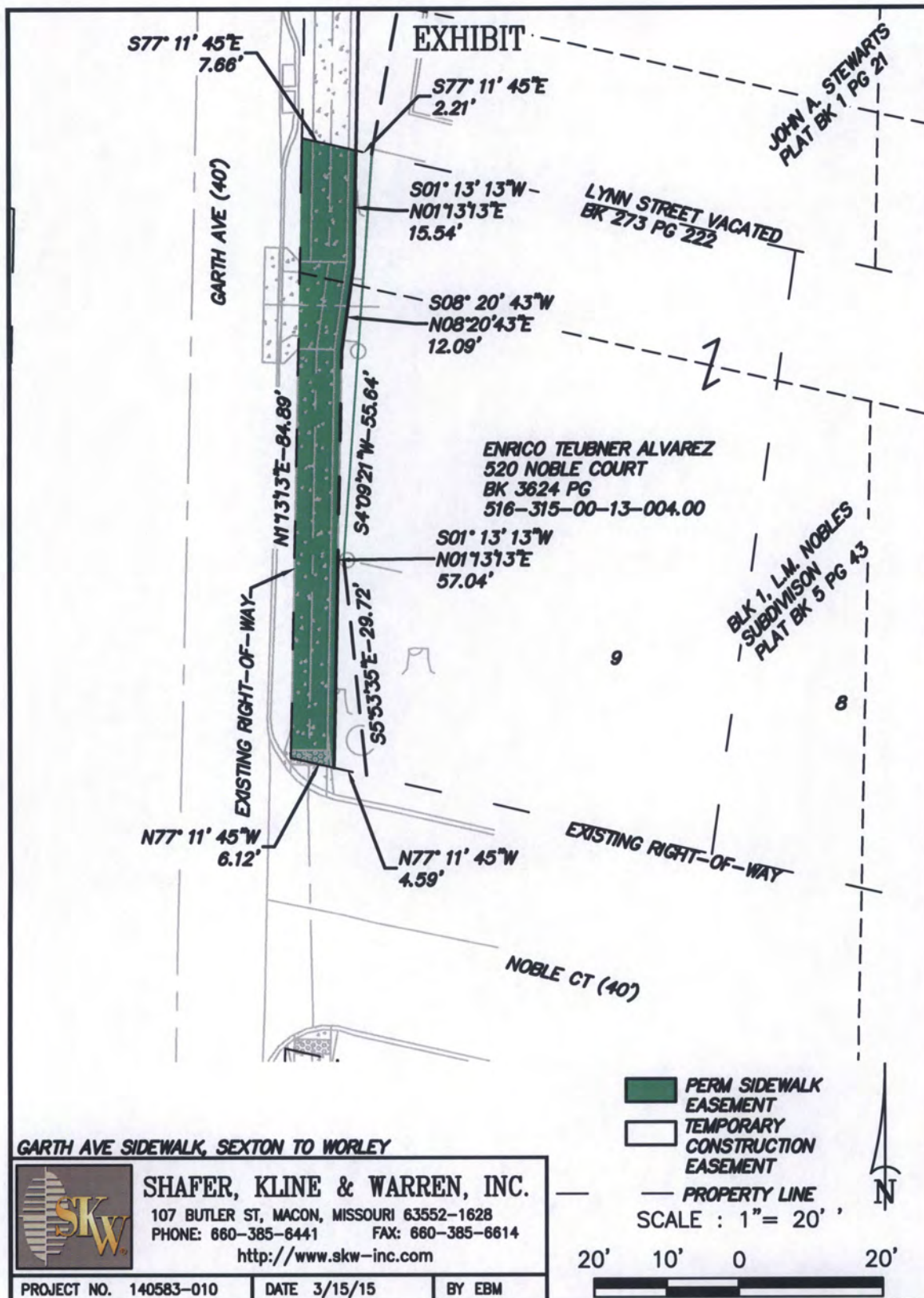
City Counselor

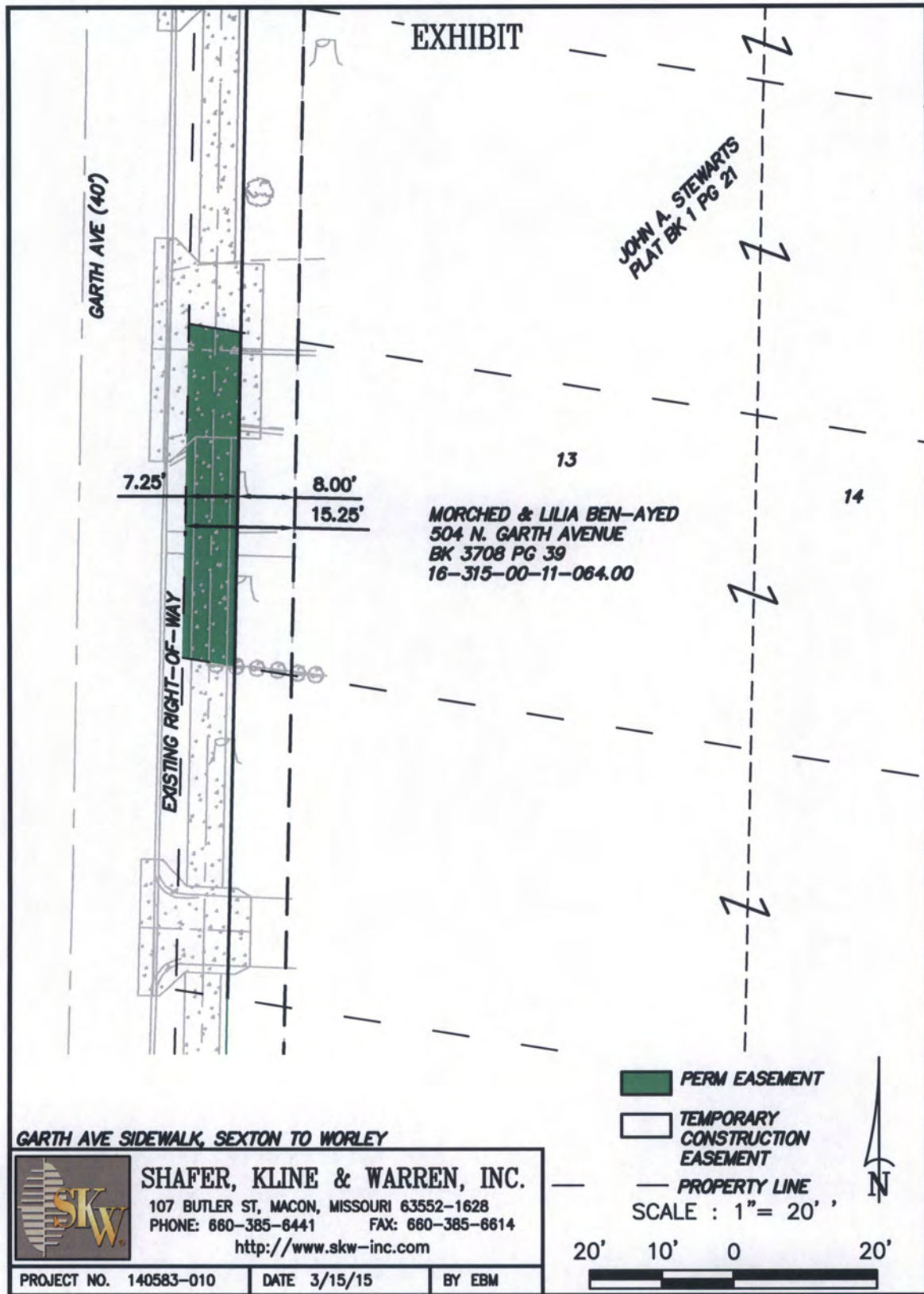


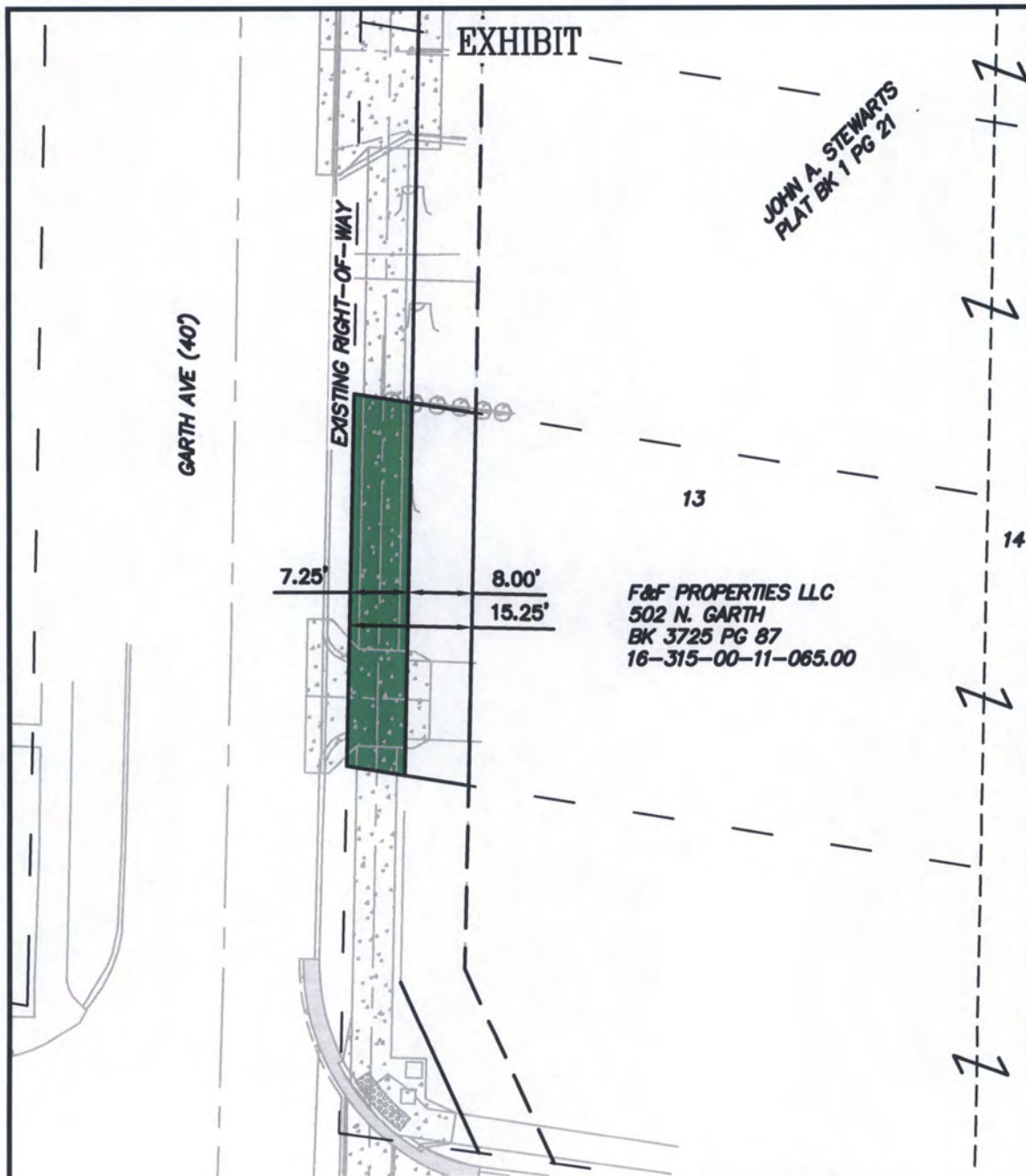
SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Maps, Plats and Plans









GARTH AVE SIDEWALK, SEXTON TO WORLEY



SHAFER, KLINE & WARREN, INC.

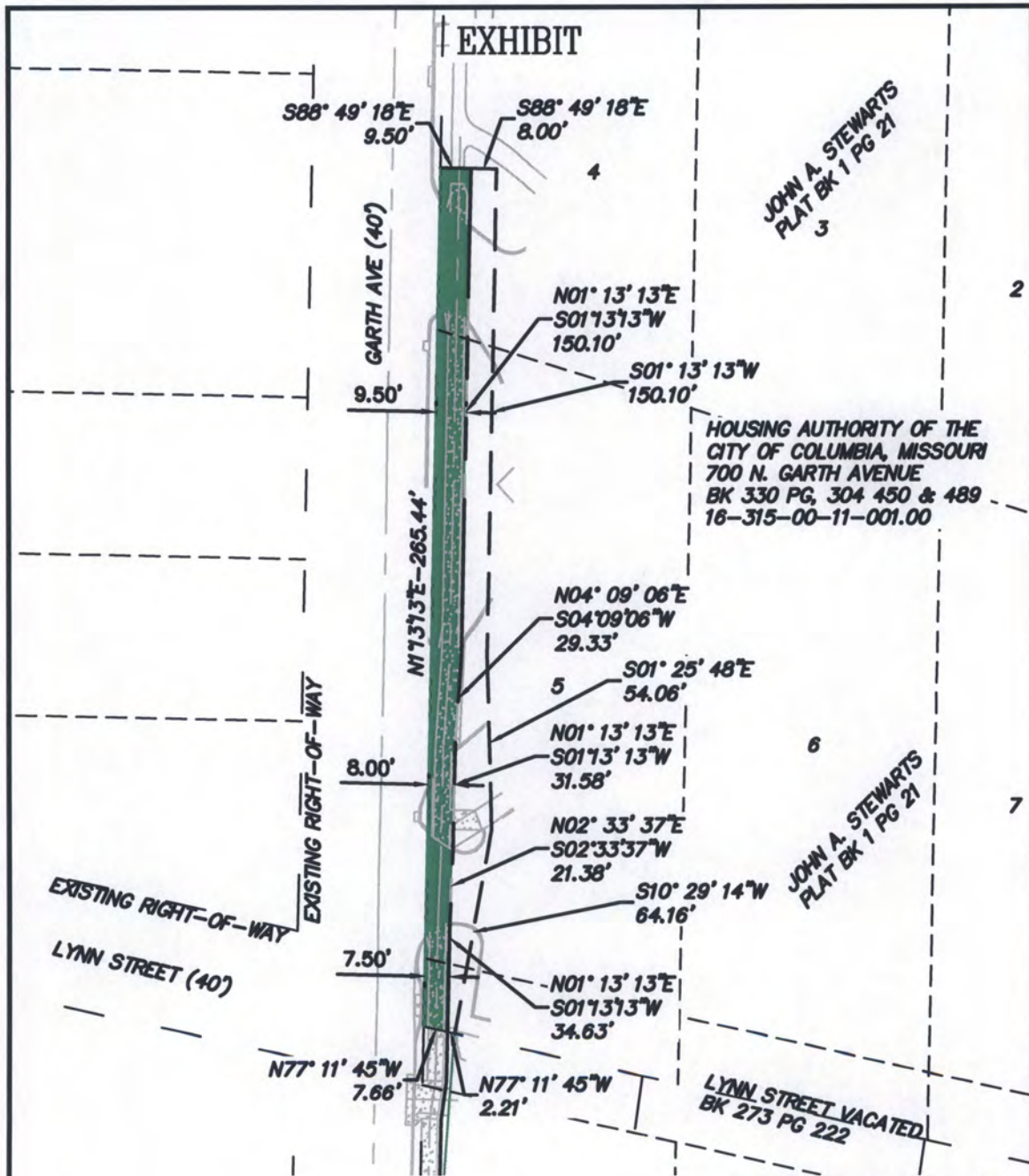
107 BUTLER ST, MACON, MISSOURI 63552-1628
PHONE: 660-385-6441 FAX: 660-385-6614

<http://www.skw-inc.com>

PROJECT NO. 140583-010

DATE 3/15/15

BY EBM



GARTH AVE SIDEWALK, SEXTON TO WORLEY



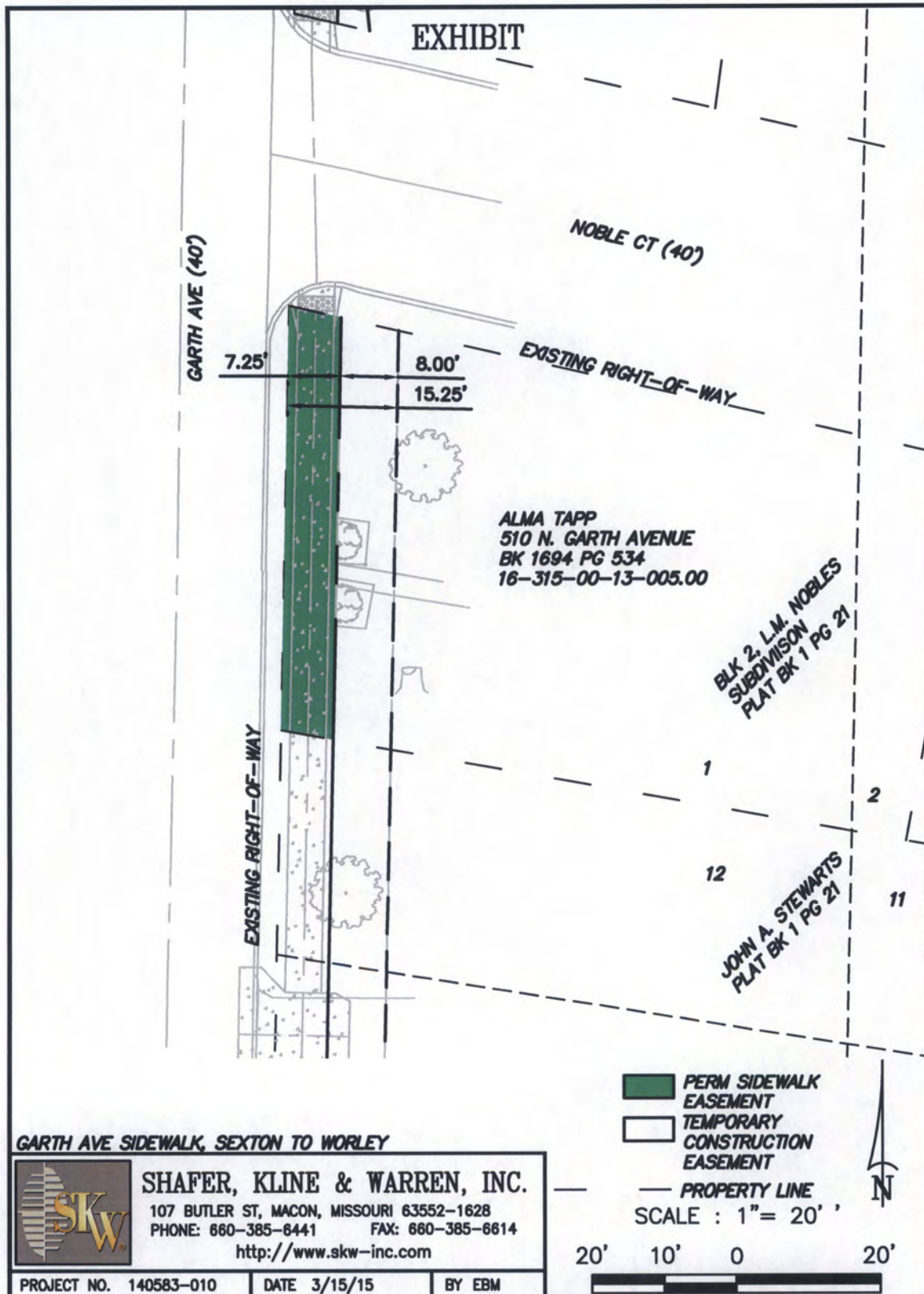
SHAHER, KLINE & WARREN, INC.

107 BUTLER ST, MACON, MISSOURI 63552-1628
 PHONE: 660-385-6441 FAX: 660-385-6614
<http://www.skw-inc.com>

PROJECT NO. 140583-010

DATE 3/15/15

BY EBM



EXHIBIT

GARTH AVE (40')

EXISTING RIGHT-OF-WAY

JOHN A. STEWARTS
PLAT BK 1 PG 21

12

11

13

14

7.25'

8.00'

15.25'

DEBRA E. THROWER
506 N. GARTH AVENUE
BK 1693 PG 133 &
BK 3254 PG 56
16-315-00-11-063.00
16-315-00-11-062.00

PERM SIDEWALK
EASEMENT
TEMPORARY
CONSTRUCTION
EASEMENT

PROPERTY LINE

SCALE : 1" = 20' ,

20' 10' 0 20'

GARTH AVE SIDEWALK, SEXTON TO WORLEY



SHAFER, KLINE & WARREN, INC.

107 BUTLER ST, MACON, MISSOURI 63552-1628
PHONE: 660-385-6441 FAX: 660-385-6614

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BY EBM

EXHIBIT

