

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 208-10

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) 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 the following described easements for construction of the Hominy Trail Phase I (from Broadway to Woodridge Drive) project:

PERMANENT TRAIL EASEMENT  
JAMES PATRICK MCMURRY AND MONICA LYNN PHILLIPPE MCMURRY

A TRACT OF LAND IN THE NORTHWEST PART OF LOT 1, THE TEREBINTHS SUBDIVISION PLAT III, RECORDED IN PLAT BOOK 32, PAGE 28 OF THE BOONE COUNTY, MISSOURI RECORDS, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1105, PAGE 540 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE WITH THE NORTH LINE THEREOF, 4.99 FEET ALONG A 465.22-FOOT RADIUS CURVE TO THE RIGHT, AND SAID CURVE HAVING A CHORD, N82°45'30"E, 4.99 FEET; THENCE

N83°04'00"E, 61.00 FEET; THENCE LEAVING SAID NORTH LINE, S16°24'35"W, 42.32 FEET; THENCE S58°09'00"W, 41.98 FEET; THENCE S89°18'00"W, 20.05 FEET TO THE WEST LINE OF SAID LOT 1; THENCE WITH SAID WEST LINE, N2°14'00"E, 55.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 3010 SQUARE FEET, ALL WITHIN THE EXISTING DRAINAGE EASEMENT SHOWN ON SAID THE TEREBINTHS SUBDIVISION PLAT III.

PERMANENT TRAIL EASEMENT  
JACOBS PLACE, LLC

A TRIANGULAR TRACT OF LAND ACROSS THE SOUTHEAST PART OF LOT 1, BROADWAY EAST TERRACE, RECORDED IN PLAT BOOK 18, PAGE 56 AND ACROSS PENGUIN EAST CONDOMINIUMS, RECORDED IN BOOK 661, PAGE 575, BOTH OF THE BOONE COUNTY, MISSOURI RECORDS, LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3210, PAGE 139 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BROADWAY EAST TERRACE; THENCE WITH THE EAST LINE THEREOF, N3°19'35"W, 14.64 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF GREEN VALLEY DRIVE, 32.56 FEET ALONG A 47.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N23°13'30"W, 31.91 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, N59°03'00"E, 12.26 FEET TO THE EAST LINE OF SAID LOT 1, BROADWAY EAST TERRACE ON THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE WITH SAID EAST LINE, S3°19'35"E, 35.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 135 SQUARE FEET.

PERMANENT TRAIL EASEMENT  
WILLIAM N. AND RUBY ARLENE RIGGS

AN IRREGULAR STRIP OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1128, PAGE 523 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 5 OF THE SURVEY RECORDED IN BOOK 448, PAGE 396; THENCE WITH THE SOUTH LINE THEREOF, N88°46'00"W, 507.95 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID SOUTH LINE, S49°58'10"W, 70.25 FEET; THENCE S2°17'00"W, 32.00 FEET; THENCE S45°02'15"W, 107.55 FEET; THENCE N80°01'00"W, 45.35 FEET; THENCE S52°47'45"W, 190.00 FEET; THENCE S37°12'15"E, 20.00 FEET; THENCE S52°47'45"W, 35.00 FEET; THENCE N37°12'15"W, 20.00 FEET; THENCE S52°47'45"W, 115.00 FEET; THENCE S57°02'40"W, 176.05 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 63; THENCE WITH SAID EAST RIGHT-OF-WAY LINE, N15°21'10"E, 64.43 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE, N86°40'25"E, 32.72 FEET; THENCE N53°55'20"E, 202.30 FEET; THENCE N37°12'15"W, 20.00 FEET; THENCE N52°47'45"E, 35.00 FEET; THENCE S37°12'15"E, 20.00 FEET; THENCE N51°22'50"E, 209.20 FEET; THENCE N33°05'30"E, 93.67 FEET; THENCE N53°31'55"E, 59.30 FEET TO THE SOUTH LINE OF SAID TRACT 2 OF THE SURVEY RECORDED IN BOOK 448, PAGE 396; THENCE WITH SAID SOUTH LINE, S88°46'00"E, 91.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.72 ACRES.

PERMANENT TRAIL EASEMENT  
WW-63, LLC

A STRIP OF LAND ACROSS PART OF TRACT 5 OF THE SURVEY RECORDED IN BOOK 448, PAGE 396, LOCATED IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2694, PAGE 46 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID TRACT 5; THENCE WITH THE SOUTH LINE THEREOF, N88°46'00"W, 507.95 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING N88°46'00"W, 91.00 FEET; THENCE LEAVING SAID SOUTH LINE, N63°38'45"E, 104.85 FEET; THENCE N57°28'55"E, 145.70 FEET; THENCE N28°42'35"E, 35.25 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE ROUTE WW, THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE, S77°36'00"E, 37.95 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE, S16°22'00"W, 21.90 FEET; THENCE S44°26'00"W, 61.60 FEET; THENCE S59°47'50"W, 127.10 FEET; THENCE S45°03'45"W, 29.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,705 SQUARE FEET.

PERMANENT TRAIL EASEMENT  
HALE REAL ESTATE HOLDINGS L.L.C.

AN IRREGULAR TRACT OF LAND ACROSS PART OF TRACT 3 OF THE SURVEY RECORDED IN BOOK 482, PAGE 99 OF THE BOONE COUNTY RECORDS, LOCATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3637, PAGE 182 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 5 OF THE SURVEY RECORDED IN BOOK 448, PAGE 396; THENCE WITH THE EAST LINE OF SAID TRACT 5 AND SAID EAST LINE EXTENDED, N1°53'10"E, 392.35 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 3 OF THE SURVEY RECORDED IN BOOK 482, PAGE 99, THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE, N43°17'40"W, 76.95 FEET; THENCE N87°23'00"W, 33.48 FEET; THENCE S41°00'15"W, 50.42 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE WW; THENCE WITH SAID NORTH RIGHT-OF-WAY LINE, N66°30'50"W, 72.72 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, N62°12'00"E, 86.33 FEET; THENCE N78°52'00"E, 52.82 FEET; THENCE S58°18'00"E, 70.35 FEET TO THE EAST LINE OF SAID TRACT 3; THENCE WITH SAID EAST LINE, S1°53'10"W, 62.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 7,935 SQUARE FEET.

PERMANENT TRAIL EASEMENT  
WILLIAM N. AND RUBY ARLENE RIGGS

A TRACT OF LAND ACROSS PART OF SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 1128, PAGE 523 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF EAST RIDGE PARK, RECORDED IN PLAT BOOK 37, PAGE 4; THENCE WITH THE QUARTER QUARTER SECTION LINE, S1°53'10"W, 198.00 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID QUARTER QUARTER SECTION LINE, S58°18'00"E, 7.75 FEET; THENCE S51°50'20"E, 44.46 FEET; THENCE S86°41'00"E, 64.90 FEET; THENCE N44°36'30"E, 90.00 FEET; THENCE N35°34'10"E, 111.05 FEET; THENCE N19°56'40"W, 78.80 FEET TO THE SOUTH LINE OF SAID EAST RIDGE PARK; THENCE WITH SAID SOUTH LINE, S88°39'05"E, 73.28 FEET; THENCE LEAVING SAID SOUTH LINE, S24°45'20"E, 72.45 FEET; THENCE S41°53'40"W, 263.45 FEET; THENCE S66°33'20"W, 71.70 FEET; THENCE N70°30'35"W, 57.82 FEET;

THENCE N43°17'40"W, 24.35 FEET TO THE SAID QUARTER QUARTER SECTION LINE; THENCE WITH SAID QUARTER QUARTER SECTION LINE, N1°53'10"E, 62.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.53 ACRES (23,180 SQUARE FEET).

PERMANENT TRAIL EASEMENT  
THE RAVEN COMPANY OF LEE'S SUMMIT

AN IRREGULAR TRACT OF LAND ACROSS PART OF LOT 1, EAST RIDGE PARK, RECORDED IN PLAT BOOK 37, PAGE 4 OF THE BOONE COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2740, PAGE 97 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, EAST RIDGE PARK; THENCE WITH THE EAST LINE THEREOF, N1°20'00"E, 153.05 FEET TO THE NORTH LINE OF THE GREENSPACE TRAIL EASEMENT SHOWN ON SAID EAST RIDGE PARK, THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE, AND WITH SAID NORTH LINE, S68°13'40"W, 75.30 FEET; THENCE S50°54'10"W, 110.80 FEET; THENCE LEAVING SAID NORTH LINE, N17°25'30"E, 44.93 FEET; THENCE N68°14'25"E, 153.45 FEET TO THE EAST LINE OF SAID LOT 1; THENCE WITH SAID EAST LINE, S1°20'00"W, 1.95 FEET TO THE POINT OF BEGINNING AND CONTAINING 1579 SQUARE FEET, ALL WITHIN THE EXISTING GREENSPACE CONSERVATION EASEMENT AS SHOWN ON SAID EAST RIDGE PARK.

PERMANENT TRAIL EASEMENT  
ST. CHARLES ROAD INVESTMENTS, L.L.C.

THREE (3) TRACTS OF LAND ACROSS PART OF LOT 2, EAST RIDGE PARK, RECORDED IN PLAT BOOK 37, PAGE 4 OF THE BOONE COUNTY RECORDS, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3104, PAGE 70 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2, EAST RIDGE PARK; THENCE WITH THE WEST LINE THEREOF, N1°20'00"E, 153.05 FEET TO THE NORTH

LINE OF THE GREENSPACE TRAIL EASEMENT SHOWN ON SAID EAST RIDGE PARK,  
THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING N1°20'00"E, 1.95 FEET;  
THENCE LEAVING SAID WEST LINE, N68°14'25"E, 247.60 FEET; THENCE  
N74°32'40"E, 117.20 FEET; THENCE N14°26'00"W, 7.00 FEET; THENCE N75°33'55"E,  
45.00 FEET; THENCE S14°26'00"E, 11.05 FEET TO THE NORTH LINE OF SAID  
GREENSPACE TRAIL EASEMENT; THENCE WITH SAID NORTH LINE, S75°51'00"W,  
157.75 FEET; THENCE S68°13'40"W, 252.60 FEET TO THE POINT OF BEGINNING AND  
CONTAINING 1225 SQUARE FEET, ALL OF WHICH IS WITHIN THE GREENSPACE  
CONSERVATION EASEMENT SHOWN BY SAID EAST RIDGE PARK;

### TRACT 2

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2, EAST RIDGE PARK;  
THENCE WITH THE WEST LINE THEREOF, N1°20'00"E, 153.05 FEET TO THE NORTH  
LINE OF THE GREENSPACE TRAIL EASEMENT SHOWN ON SAID EAST RIDGE PARK;  
THENCE LEAVING SAID WEST LINE AND WITH SAID NORTH LINE, N68°13'40"E,  
252.60 FEET; THENCE N75°51'00"E, 323.10 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING N75°51'00"E, 51.09 FEET;  
THENCE N15°55'20"E, 27.70 FEET; THENCE LEAVING SAID NORTH LINE,  
S55°35'40"W, 69.25 FEET TO THE POINT OF BEGINNING AND CONTAINING 610  
SQUARE FEET, ALL OF WHICH IS WITHIN THE GREENSPACE CONSERVATION  
EASEMENT AS SHOWN ON SAID EAST RIDGE PARK;

### TRACT 3

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2, EAST RIDGE PARK;  
THENCE WITH THE NORTH LINE THEREOF, N88°41'30"W, 314.30 FEET TO THE  
WEST LINE OF THE GREENSPACE TRAIL EASEMENT SHOWN ON SAID EAST RIDGE  
PARK; THENCE LEAVING SAID NORTH LINE AND WITH SAID WEST LINE,  
S15°55'20"W, 18.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ST. CHARLES  
ROAD AS SHOWN BY SAID EAST RIDGE PARK, THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING S15°55'20"W, 60.27 FEET;  
THENCE LEAVING SAID WEST LINE, N30°20'00"W, 56.66 FEET TO SAID SOUTH  
RIGHT-OF-WAY LINE; THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE, 46.06 FEET  
ALONG A 453.83-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE  
HAVING A CHORD, N78°40'00"E, 46.04 FEET TO THE POINT OF BEGINNING AND  
CONTAINING 1215 SQUARE FEET, INCLUDING 590 SQUARE FEET OF EXISTING  
UTILITY AND SIDEWALK EASEMENTS SHOWN ON SAID EAST RIDGE PARK.

PERMANENT TRAIL EASEMENT  
BAC HOME LOAN SERVICING, L.P.

AN IRREGULAR TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF THE TRACT DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 3667, PAGE 100 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 8-48-12; THENCE WITH THE SOUTH SECTION LINE, N88°41'30"W, 329.20 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTINUING N88°41'30"W, 47.37 FEET; THENCE LEAVING SAID SECTION LINE, N23°18'00"W, 6.10 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE STREET EASEMENT RECORDED IN BOOK 470, PAGE 400; THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE, 175.50 FEET ALONG A 531.22-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N59°52'25"E, 174.70 FEET; THENCE 260.60 FEET ALONG A 465.22-FOOT RADIUS REVERSE CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, N66°27'20"E, 257.20 FEET TO THE EAST LINE OF SAID SECTION 8-48-12; THENCE WITH SAID SECTION LINE, S2°14'00"W, 55.55 FEET; THENCE LEAVING SAID SECTION LINE, S89°18'00"W, 80.08 FEET; THENCE S77°41'00"W, 89.00 FEET; THENCE S54°05'00"W, 207.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.25 ACRES (10, 970 SQUARE FEET).

PERMANENT TRAIL EASEMENT  
PATRICIA M. HOEFENER

AN IRREGULAR TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 940, PAGE 309 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9-48-12; THENCE WITH THE WEST SECTION LINE, N2°14'00"E, 271.65 FEET TO THE NORTH LINE OF THE STREET EASEMENT RECORDED IN BOOK 465, PAGE 909; THENCE LEAVING SAID SECTION LINE AND WITH SAID NORTH LINE, N83°05'00"E, 36.85 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID NORTH LINE, N34°38'15"E, 48.45 FEET; THENCE N60°47'40"E, 183.83 FEET; THENCE N29°40'20"W, 25.00 FEET; THENCE N59°19'00"E, 28.59 FEET; THENCE S31°41'40"E, 25.00 FEET; THENCE 265.32 FEET ALONG AN 835.00 – FOOT RADIUS NON-TANGENT CURVE TO

THE LEFT, SAID CURVE HAVING A CHORD, N49°12'10"E, 264.20 FEET; THENCE N40°06'00"E, 8.56 FEET; THENCE 422.75 FEET ALONG A 660.00-FOOT RADIUS CURVE TO THE LEFT, SAID CURVE HAVING A CHORD, N21°45'00"E, 415.56 FEET; THENCE N86°36'00"W, 20.00 FEET; THENCE N2°32'00"E, 28.32 FEET; THENCE S87°42'25"E, 15.00 FEET; THENCE N2°19'00"E, 292.40 FEET; THENCE N14°17'00"E, 392.38 FEET; THENCE N8°52'00"E, 94.55 FEET TO THE SOUTHEAST LINE OF LOT 53, WOODRIDGE SUBDIVISION BLOCK 7, RECORDED IN PLAT BOOK 11, PAGE 197; THENCE WITH SAID SOUTHEAST LINE AND SAID SOUTHEAST LINE EXTENDED ALONG THE RIGHT-OF-WAY LINE OF WOODRIDGE DRIVE AS SHOWN ON WOODRIDGE SUBDIVISION BLOCK 8, RECORDED IN PLAT BOOK 14, PAGE 58, N26°41'00"E, 92.10 FEET; THENCE LEAVING SAID WOODRIDGE DRIVE RIGHT-OF-WAY, S26°08'20"E, 51.75 FEET TO THE WEST LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 431, PAGE 826; THENCE WITH THE LINES OF SAID TRACT, S13°51'30"W, 41.05 FEET; THENCE S75°57'00"E, 35.10 FEET; THENCE LEAVING THE LINE OF SAID TRACT, S53°54'00"W, 44.35 FEET; THENCE S21°14'50"W, 70.45 FEET; THENCE S15°03'00"W, 388.30 FEET; THENCE S2°55'30"W, 263.25 FEET; THENCE S87°42'25"E, 20.00 FEET; THENCE S2°17'35"W, 30.00 FEET; THENCE N87°42'25"W, 20.00 FEET; THENCE S2°17'35"W, 10.95 FEET; THENCE 455.30 FEET ALONG A 690.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S21°11'50"W, 447.09 FEET; THENCE S40°06'00"W, 8.56 FEET; THENCE 274.85 FEET ALONG AN 865.00-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S49°12'10"W, 273.70 FEET; THENCE S31°41'40"E, 15.00 FEET; THENCE S59°19'00"W, 31.05 FEET; THENCE N29°40'20"W, 15.00 FEET; THENCE S61°15'00"W, 130.05 FEET; THENCE S2°39'00"W, 30.38 FEET TO THE NORTH LINE OF SAID STREET EASEMENT RECORDED IN BOOK 465, PAGE 909; THENCE WITH SAID NORTH LINE, S83°05'00"W, 88.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.55 ACRES.

TEMPORARY CONSTRUCTION EASEMENT  
PATRICIA M. HOEFENER

AN IRREGULAR TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING ACROSS PART OF TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 940, PAGE 309 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 9-48-12; THENCE WITH THE WEST SECTION LINE, N2°14'00"E, 271.65 FEET; TO THE NORTH LINE OF THE STREET EASEMENT RECORDED IN BOOK 465, PAGE 909; THENCE LEAVING SAID SECTION LINE AND WITH SAID NORTH LINE, N83°05'00"E, 36.85 FEET; THENCE LEAVING SAID NORTH LINE, N34°38'15"E, 48.45 FEET; TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, N53°02'30"E, 185.30 FEET; THENCE N59°19'00"E, 28.60 FEET; THENCE N78°15'20"E, 41.30 FEET; THENCE N44°32'50"E, 288.60 FEET; THENCE N11°31'00"W, 64.40 FEET; THENCE N51°23'50"E, 101.50 FEET; THENCE N17°17'45"E, 213.00 FEET; THENCE S16°28'20"E, 77.05 FEET; THENCE S1°32'50"E, 52.90 FEET; THENCE S24°05'00"W, 206.30 FEET; THENCE S9°33'00"W, 116.70 FEET; THENCE S23°28'00"W, 57.75 FEET; THENCE S43°48'50"W, 55.10 FEET; THENCE S71°29'50"W, 213.35 FEET THENCE S31°41'40"E, 15.00 FEET; THENCE S59°19'00"W, 31.05 FEET; THENCE N29°40'20"W, 15.00 FEET THENCE S61°15'00"W, 130.05 FEET; THENCE S88°58'30"W, 61.35 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.81 ACRES (35,065 SQUARE FEET) NOT INCLUDING THE AREA WITHIN THE PROPOSED PERMANENT TRAIL EASEMENT.

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 \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor

**Source:**  
**Mike Hood** *MH*

FISCAL and VISION NOTES:

Agenda Item No. \_\_\_\_\_

**TO: City Council**  
**FROM: City Manager and Staff**  
**DATE: Aug 16, 2010**  
**RE: Hominy Creek Trail Phase I Easement Acquisition & Construction Approval**

<b>City Fiscal Impact</b> Enter all that apply:	
\$0	City's current net FY cost.
\$1,820,000	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$1,820,000	Estimated 2 yr net costs:
\$0	One-time
	Operating / On-going
<b>Program Impact:</b>	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
<b>Resources Required:</b>	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
<b>Mandates:</b>	
N	Federal or state mandated? (Y/N)
<b>Vision Implementation Impact</b> Enter Below All That Applies: <u>Refer to Website:</u>	
Y	Vision Impact? (Y/N or if N, go no further)
12	Primary Vision, Strategy and/or Goal Item#
12.4.1 12.4.2	Secondary Vision, Strategy and/or Goal Item#
Task #	FY10/FY11 Implementation Task#

**EXECUTIVE SUMMARY:** Park Planning Staff has prepared for Council consideration an ordinance authorizing the acquisition of ten permanent and one temporary construction easements needed for the construction of the Hominy Creek Trail Phase I project. Staff is also requesting an ordinance authorizing construction of the Hominy Creek Trail Phase I and calling for bids through the City's Purchasing Division.

The proposed concrete trail will include two phases: Phase I is from Stephens Lake Park to Woodridge Park and Subdivision. Phase II is from Woodridge to The Links subdivision. Total project cost for both phases is estimated at \$3,176,000. Phase I of the project will be funded with \$1,320,000 from the Park Sales Tax and \$500,000 from a STP Enhancement Grant. Staff is proceeding with Phase I due to pending grant deadlines. Staff will return to Council at a later date to authorize Phase II of the project as it is funded with \$1,356,000 from the Nonmotorized Transportation Pilot Program as administered by GetAbout Columbia.

**DISCUSSION:** Park Planning Staff has prepared for Council consideration an ordinance authorizing the acquisition of ten permanent and one temporary construction easements needed for the construction of the Hominy Creek Trail Phase I project. Staff is also requesting an ordinance authorizing construction of the Hominy Creek Trail Phase I and calling for bids through the City's Purchasing Division. The proposed concrete trail will include two phases: Phase I will extend from Stephens Lake Park to Woodridge Park and subdivision and Phase II extends from Woodridge subdivision to The Links subdivision and on to Clark Lane.

At the August 2, 2010 City Council meeting, Council passed a resolution setting a public hearing for Sept 7, 2010 concerning the completion of the two mile Hominy Creek Trail Project.

Park Planning and Public Works GetAbout staff have been working with the neighbors on the proposed route of the trail. An Interested Party meeting was held on May 7, 2009 for both Phase I (west) and Phase 2 (east). Thirty seven individuals attended with 14 writing supportive comments and one adjacent landowner expressing concerns. Several suggestions were received and addressed. The trail was slightly re-aligned to mitigate the concerns expressed by one adjacent landowner.

Following the public hearing on Sept 7, 2010, Council is requested to authorize the acquisition of ten permanent trail easements and one temporary construction easement for Hominy Trail Phase I project. Most of the property owners from which the easements are required have indicated a willingness to work with the City on the acquisition of those easements for the trail project.

Staff is also requesting that following September 7, 2010 public hearing, Council approve an ordinance authorizing the construction of Phase I of the Hominy Creek Trail project and calling for bids through the City's Purchasing Department. This process meets all of the federal guidelines requiring advanced public notification.

The proposed trail construction will include a ten foot wide concrete trail that meets ADA requirements, provides a durable hard-surface for year round use and substantially reduces annual maintenance costs. The trail design also includes an adjacent five foot wide gravel side path for runners/joggers. The project will also include three low-water style bridges designed for pedestrian and maintenance vehicle use.

Staff will be returning to Council for Phase II trail easement acquisition ordinances and to authorize construction. In addition to the trail easements, other city staff will be seeking separate easements for utilities such as sewer and water. Since the Phase I portion of the trail has pending grant deadlines, staff is proceeding with Phase I easement acquisition ahead of these other easements. The Phase II portion of this project does not have the pending grant deadlines.

**FISCAL IMPACT:** Phase I is funded with \$1,320,000 from the Park Sales Tax; \$500,000 from STP Enhancement Grant. Phase II is funded with \$1,356,000 from the Nonmotorized Transportation Pilot Program as administered by GetAbout Columbia. Total project cost for both phases is estimated at \$3,176,000.

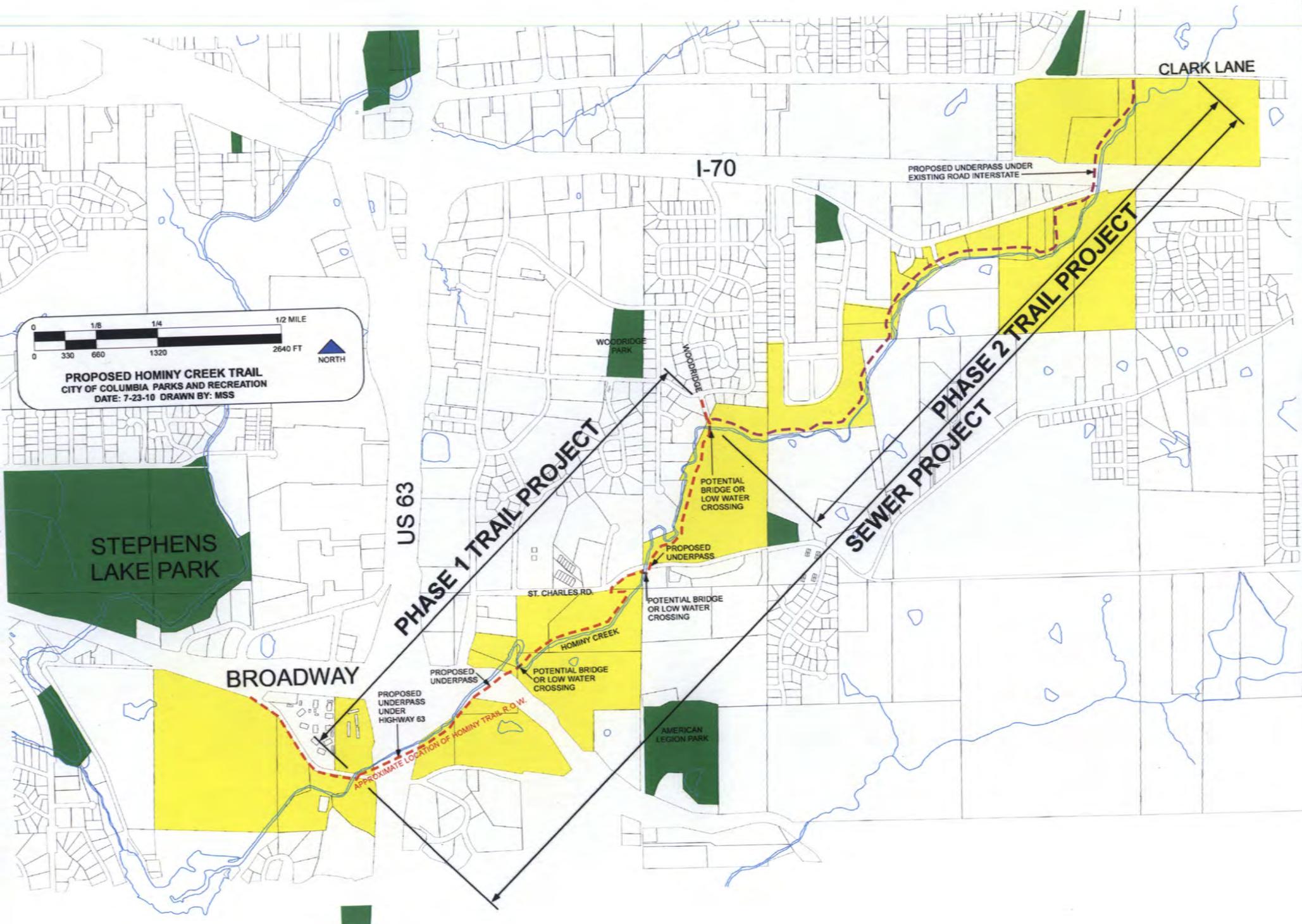
It is anticipated that the trail will be constructed with concrete, thus reducing the annual maintenance costs. It is anticipated that there will be periodic maintenance activities, such as: occasional trash pickup, graffiti removal, tree pruning and occasional mowing. These maintenance activities are all labor related with very few, if any materials/supplies required. Staff believes that these tasks will be able to be absorbed in the current operating budget. At this time, the department is not requesting any permanent or temporary employees based on the addition of this trail, but as other trails are added or developed, the addition of permanent employees or the conversion of temporary salaries to permanent may be requested.

**SUGGESTED COUNCIL ACTIONS:** If, after the public hearing, the Council concurs that the project should be constructed, the ordinances authorizing Phase I easement acquisition and construction should be authorized.

0 1/8 1/4 1/2 MILE  
 0 330 660 1320 2640 FT

**PROPOSED HOMINY CREEK TRAIL**  
 CITY OF COLUMBIA PARKS AND RECREATION  
 DATE: 7-23-10 DRAWN BY: MSS

NORTH



STEPHENS LAKE PARK

BROADWAY

US 63

PHASE 1 TRAIL PROJECT

WOODRIDGE PARK

I-70

WOODRIDGE

ST. CHARLES RD.

HOMINY CREEK

AMERICAN LEGION PARK

PHASE 2 TRAIL PROJECT

SEWER PROJECT

CLARK LANE

PROPOSED UNDERPASS UNDER HIGHWAY 63

POTENTIAL BRIDGE OR LOW WATER CROSSING

POTENTIAL BRIDGE OR LOW WATER CROSSING

POTENTIAL BRIDGE OR LOW WATER CROSSING

PROPOSED UNDERPASS

PROPOSED UNDERPASS UNDER EXISTING ROAD INTERSTATE