

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 237-08

AN ORDINANCE

declaring the need to acquire an easement for construction of the Scott's Branch Trail; 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 an easement in connection with construction of the Scott's Branch Trail, described as follows:

Joseph Giangiacomo Trust
Trail Easement

A STRIP OF LAND FIFTY (50) FEET WIDE ACROSS PART OF THE TRACT DESCRIBED IN THE WARRANTY DEED RECORDED IN BOOK 1707, PAGE 574 AND ACROSS PART OF TRACT 1 OF THE TRACT SPLIT SURVEY RECORDED IN BOOK 833, PAGE 166, LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI BEING TWENTY-FIVE (25) FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 21, TOWNSHIP 48 NORTH, RANGE 13 WEST, THENCE N26°05'25"E,

42.67 FEET TO THE SOUTHWEST CORNER OF SAID TRACT SPLIT SURVEY; THENCE WITH THE WEST LINE OF SAID TRACT SPLIT SURVEY; N1°03'45"W, 329.33 FEET; THENCE N1°04'15"E, 275.44 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID WEST LINE, N73°01'00"E, 371.00 FEET; THENCE N85°09'00"E, 80.00 FEET; THENCE N49°54'00"E, 161.00 FEET; THENCE N1°25'00"E, 175.00 FEET; THENCE N27°37'00"E, 88.00 FEET; THENCE N51°19'00"E, 102.00 FEET; THENCE N16°41'00"E, 222.00 FEET; THENCE N4°25'00"W, 77.00 FEET; THENCE N13°16'00"E, 109.00 FEET; THENCE N60°07'00"E, 62.00 FEET TO THE WEST LINE OF LOT 212A, JOHNSON FARMS PLAT 2, RECORDED IN PLAT BOOK 26, PAGE 24, SHOWN AS "DUBLIN PARK" ON THE SURVEY RECORDED IN BOOK 1902, PAGE 94, THE END OF THE DESCRIBED CENTERLINE, BEING N11°48'00"E, 175.00 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 212A. SAID STRIP CONTAINS 1.66 ACRES.

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 _____, 2008.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Source:

Michael J. Hood


TO: City Council
FROM: City Manager and Staff
DATE: July 28, 2008



RE: Scott's Branch Trail Easement—Joseph Giangiacomo Trust, Owner

EXECUTIVE SUMMARY

Staff has prepared for Council consideration an ordinance authorizing the city to acquire a trail easement for the proposed Scott's Branch Trail across the property owned by the Joseph Giangiacomo Trust. The City is currently working with Mr. Giangiacomo on the Scott Boulevard road improvement and both parties wish to negotiate the road and trail easement concurrently. Funds for the acquisition will come from the Park Sales Tax, specifically the Greenbelt and Trails account.

DISCUSSION

Public Works is in the process of negotiating with Mr. Joseph Giangiacomo regarding an easement for the Scott Boulevard road improvement project. Mr. Giangiacomo has indicated a preference to negotiate the proposed Scott's Branch Trail easement at the same time as the easement for the Scott Boulevard road improvement project.

The location of the easement is shown on the attached exhibit.

Funds for the acquisition will come from the Park Sales Tax, specifically the Greenbelt and Trails account.

SUGGESTED COUNCIL ACTION

Approval of the ordinance.

Fiscal Impact

YES

NO

Other Info.

