

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 80-13

AN ORDINANCE

declaring the need to acquire additional easements for construction of a sidewalk along the north side of Texas Avenue from Garth Avenue to Providence 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 additional easements for the construction of a sidewalk along the north side of Texas Avenue from Garth Avenue to Providence Road, described as follows:

CNL Net Lease Funding 2001. LP
PERMANENT UTILITY EASEMENT
Parcel: 16-311-00-00-008.00

A four (4) sided parcel of land along the south line of a tract of land described in a warranty deed in Book 1797 at Page 223, said tract being Tract 2 of a Survey as recorded in Book 482 at Page 585, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the southeast corner of said tract; thence along the south line of said tract, said line also being the north Right-of-Way line of Texas Avenue, along a curve to the left

having a radius of 434.11 feet a distance of 6.60 feet (the chord of said curve having bearing and distance of S.86°46'05"W., 6.60 feet to the POINT OF BEGINNING; thence

continuing along said curve to the left having a radius of 434.11 feet a distance of 20.00 feet (the chord of said curve having bearing and distance of S.85°00'45"W., 20.00 feet) thence leaving said line N.4°07'55"W., 11.14 feet; thence N.85°52'05"E., 20.00 feet; thence S.4°07'55"E., 10.84 feet to the POINT OF BEGINNING and containing 220 square feet inclusive of 79 square feet of permanent sidewalk easement granted this date.

CNL Net Lease Funding 2001. LP
TEMPORARY CONSTRUCTION EASEMENT
Parcel: 16-311-00-00-008.00

An irregular shaped parcel of land along the south line of a tract of land described in a warranty deed in Book 1797 at Page 223, said tract being Tract 2 of a Survey as recorded in Book 482 at Page 585, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of said tract; thence along the west line of said tract N.1°10'15"E., 15.33 feet; thence leaving said line N.67°39'25"E., 114.53 feet; thence N.69°45'30"E., 69.80 feet; thence N.65°48'20"E., 56.56 feet; thence S.85°40'00"E., 35.83 feet to the east line of said tract, said line also being the west Right-of-Way line of Providence Road; thence along said line S.1°11'55"W., 23.11 feet to the southeast corner of said tract; thence along the south line of said tract, said line also being the north Right-of-Way line of Texas Avenue, along a curve to the left having a radius of 434.11 feet a distance of 151.81 feet (the chord of said curve having bearing and distance of S.77°11'05"W., 151.04 feet); thence continuing along said line S.67°09'25"W., 120.74 feet to the POINT OF BEGINNING and containing 3,433 square feet exclusive of permanent sidewalk easement and permanent utility easement granted this date.

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 _____, 2013.

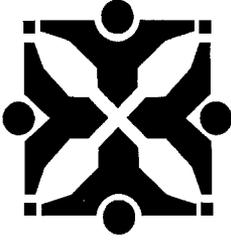
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Public Works

Job

Agenda Item No:

To: City Council
From: City Manager and Staff

MM

Council Meeting Date: Mar 18, 2013

Re: Additional Easement Acquisition - Texas Avenue Sidewalk (Garth Avenue to Providence Road)

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the acquisition of an additional easement for the construction of the Texas Avenue sidewalk, from Garth Avenue to Providence Road (see location map).

DISCUSSION:

The Texas Avenue sidewalk project extends from Garth Avenue to Providence Road, and was prioritized by Council for construction in 2013. A public hearing was held at the April 19, 2010 Council meeting.

An ordinance to acquire easements for this project was passed at the October 15, 2012 Council meeting. Since that time, it has become apparent that an additional permanent utility easement will be required to accommodate the relocation of a fire hydrant. One (1) additional permanent utility easement is needed from one (1) property owner. To accommodate the permanent utility easement, the temporary construction easement needed from the same owner, and previously approved by Council, will be amended. An easement diagram is attached.

FISCAL IMPACT:

This project has been budgeted in the CIP for \$130,000. The cost for the easement is estimated to be approximately \$2,000, and is included in the estimated budget for the project.

VISION IMPACT:

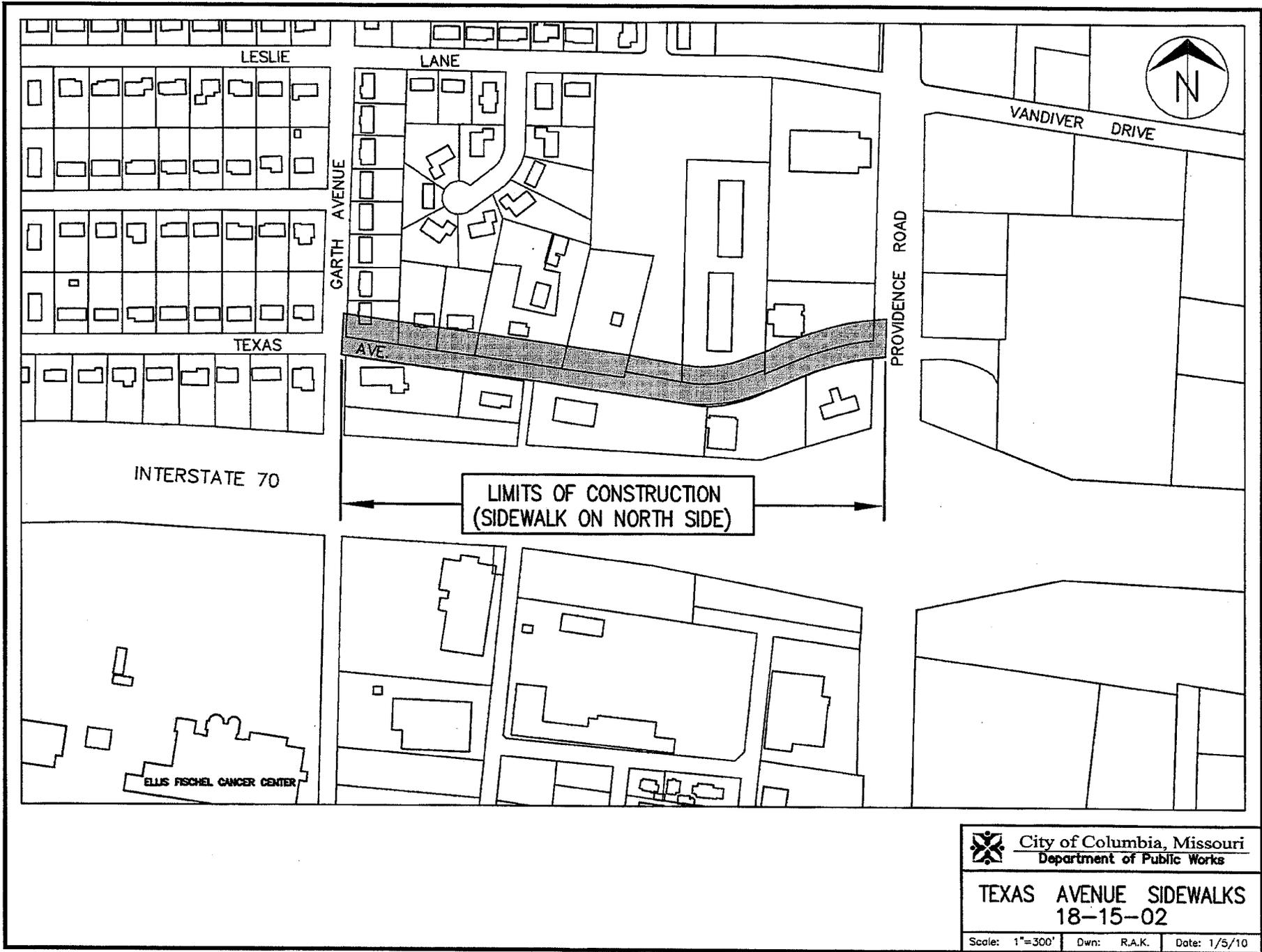
<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

Give proper funding, priority, and support to repairing, connecting, and expanding the city sidewalk system. Increase the pace of sidewalk improvements.

SUGGESTED COUNCIL ACTIONS:

Approve the ordinance authorizing the acquisition of an additional easement for the construction of Texas Avenue Sidewalk, from Garth Avenue to Providence Road.

| FISCAL and VISION NOTES: | | | | | |
|--|--------|---|----|---|--------|
| City Fiscal Impact Enter all that apply | | Program Impact | | Mandates | |
| City's current net FY cost | \$0.00 | New Program/ Agency? | No | Federal or State mandated? | No |
| Amount of funds already appropriated | \$0.00 | Duplicates/Expands an existing program? | No | Vision Implementation impact | |
| Amount of budget amendment needed | \$0.00 | Fiscal Impact on any local political subdivision? | No | Enter all that apply: Refer to Web site | |
| Estimated 2 year net costs: | | Resources Required | | Vision Impact? | Yes |
| One Time | \$0.00 | Requires add'l FTE Personnel? | No | Primary Vision, Strategy and/or Goal Item # | 13.1.3 |
| Operating/ Ongoing | \$0.00 | Requires add'l facilities? | No | Secondary Vision, Strategy and/or Goal Item # | |
| | | Requires add'l capital equipment? | No | Fiscal year implementation Task # | FY13 |



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|---|--|--------------|
|  | City of Columbia, Missouri Department of Public Works | |
| | TEXAS AVENUE SIDEWALKS 18-15-02 | |
| Scale: 1"=300' | Dwn: R.A.K. | Date: 1/5/10 |

