

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 256-10

AN ORDINANCE

declaring the need to acquire easements for construction of the Hominy Creek Trail Phase II 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 Creek Trail Phase II project:

PARCEL 19 – EAST END
PERMANENT TRAIL EASEMENT
WOODRIDGE RECREATIONAL CLUB

A 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 THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 431, PAGE 826 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 431, PAGE 826; THENCE WITH THE LINES OF SAID TRACT, N75°57'00"W, 407.57 FEET; THENCE N13°51'30"E, 41.03 FEET; THENCE LEAVING THE LINES OF SAID TRACT, S74°45'30"E, 202.70 FEET; THENCE

S64°30'55"E, 102.44 FEET; THENCE S75°57'45"E, 83.30 FEET; THENCE S89°08'30"E, 20.75 FEET TO THE EAST LINE OF SAID TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 431, PAGE 826; THENCE WITH SAID EAST LINE S11°00'00"W, 21.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 12,330 SQUARE FEET, INCLUSIVE OF 620 SQUARE FEET WITHIN THE EXISTING SEWER EASEMENT RECORDED IN BOOK 418, PAGE 150.

PARCEL 13 – EAST END
PERMANENT TRAIL EASEMENT
PATRICIA M. HOEFENER

A 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 THE 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 RICHLAND HEIGHTS PLAT 2, RECORDED IN PLAT BOOK 32, PAGE 28; THENCE WITH THE WEST LINE THEREOF, N1°41'00"E, 20.15 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, LEAVING SAID WEST LINE, N89°08'30"W, 171.75 FEET; THENCE S0°51'30"W, 12.00 FEET THENCE N89°08'30"W, 25.00 FEET THENCE N0°51'30"E, 12.00 FEET; THENCE N80°09'40"W, 62.52 FEET; THENCE N69°45'10"W, 52.41 FEET; THENCE N67°21'00"W, 84.80 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 431, PAGE 826; THENCE WITH SAID SOUTH LINE, S75°57'00"E, 195.45 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE WITH THE EAST LINE THEREOF, N11°00'00"E, 21.30 FEET; THENCE LEAVING SAID EAST LINE, S89°08'30"E, 20.90 FEET; THENCE N0°51'30"E, 15.00 FEET; THENCE S89°08'30"E, 20.00 FEET; THENCE S0°51'30"W, 15.00 FEET; THENCE S89°08'30"E, 152.25 FEET TO THE WEST LINE OF SAID RICHLAND HEIGHTS PLAT 2; THENCE WITH SAID WEST LINE, S1°41'00"W, 35.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,765 SQUARE FEET, INCLUSIVE OF 3,715 SQUARE FEET WITHIN THE SEWER EASEMENT RECORDED IN BOOK 418, PAGE 150.

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:
John Glascock



FISCAL/and VISION NOTES:

Agenda Item No. _____

TO: City Council
FROM: City Manager and Staff 
DATE: September 24, 2010
RE: Hominy Creek Trail West Project Coordination Effort

EXECUTIVE SUMMARY:

Staff has prepared for Council consideration an ordinance authorizing the acquisition of two additional easements relating to the Hominy Creek Trail Phase I project. These easements are part of the Hominy Creek Trail Phase II project, but are requested to enable the coordination of the easement acquisition effort on the Hominy Creek Trail Phase I, Hominy Creek Sewer Phase I and the Shepard Hills to Hillsdale Water Line Project so that owner duplication is minimized.

DISCUSSION:

In order to coordinate the easement acquisition process for the Hominy Creek Phase I Trail, Phase I Sewer and the Shepard Hills to Hillsdale Water Line, it has become apparent that two owners on the Phase I Sewer and Water Line projects are included in the Phase II Hominy Creek Trail project. In order to effectively present all the projects affecting these owners' properties at one time, staff is requesting that Council approve an ordinance to acquire these two easements ahead of the scheduled Phase II Trail Project so that the two owners may be approached about all easements necessary for all projects at one time.

FISCAL IMPACT:

None

VISION IMPACT:

Use easements and development rights to promote the preservation of green space and the development of greenways. Coordinate efforts of different interest groups to develop and fund a multi-use trail network, using sidewalks where trails are not feasible.

SUGGESTED COUNCIL ACTIONS:

Approval of the ordinance authorizing the acquisition of two additional easements relating to the Hominy Creek Trail Phase I project.

City Fiscal Impact Enter all that apply:	
\$0	City's current net FY cost.
\$0	Amount of Funds Already appropriated
\$0	Amount of budget amendment needed
\$0	Estimated 2 yr net costs: One-time
\$0	Operating / On-going
Program Impact:	
N	New program/ agency (Y/N)
N	Duplicates/expands an existing program (Y/N)
N	Fiscal impact on any local political subdivision (Y/N)
Resources Required:	
N	Requires add'l FTE personnel? (Y/N)
N	Requires additional facilities? (Y/N)
N	Requires additional capital equipment? (Y/N)
Mandates:	
N	Federal or state mandated? (Y/N)
Vision Implementation Impact Enter Below All That Applies: Refer to Website:	
Y	Vision Impact? (Y/N or if N, go no farther)
12	Primary Vision Statement, Goal, and/or Strategy Item#
12.3.1 12.4.1	Secondary Vision Statement, Goal, and/or Strategy Item#
Task #	FY10/FY11 Implementation Task#

PREPARED BY:
ALLSTATE
CONSULTANTS



LANSING AVE.

58

59

GLENSTONE DR.

SCALE: 1" = 100'

75

RIGHLAND HEIGHTS PLAT 2
RECORDED IN PLAT BOOK 31, PAGE 46

80

PROPOSED
PERMANENT
EASEMENT

EX. SEWER ESMT.

HOMINY BRANCH

PROPERTY LINES
(TYPICAL)

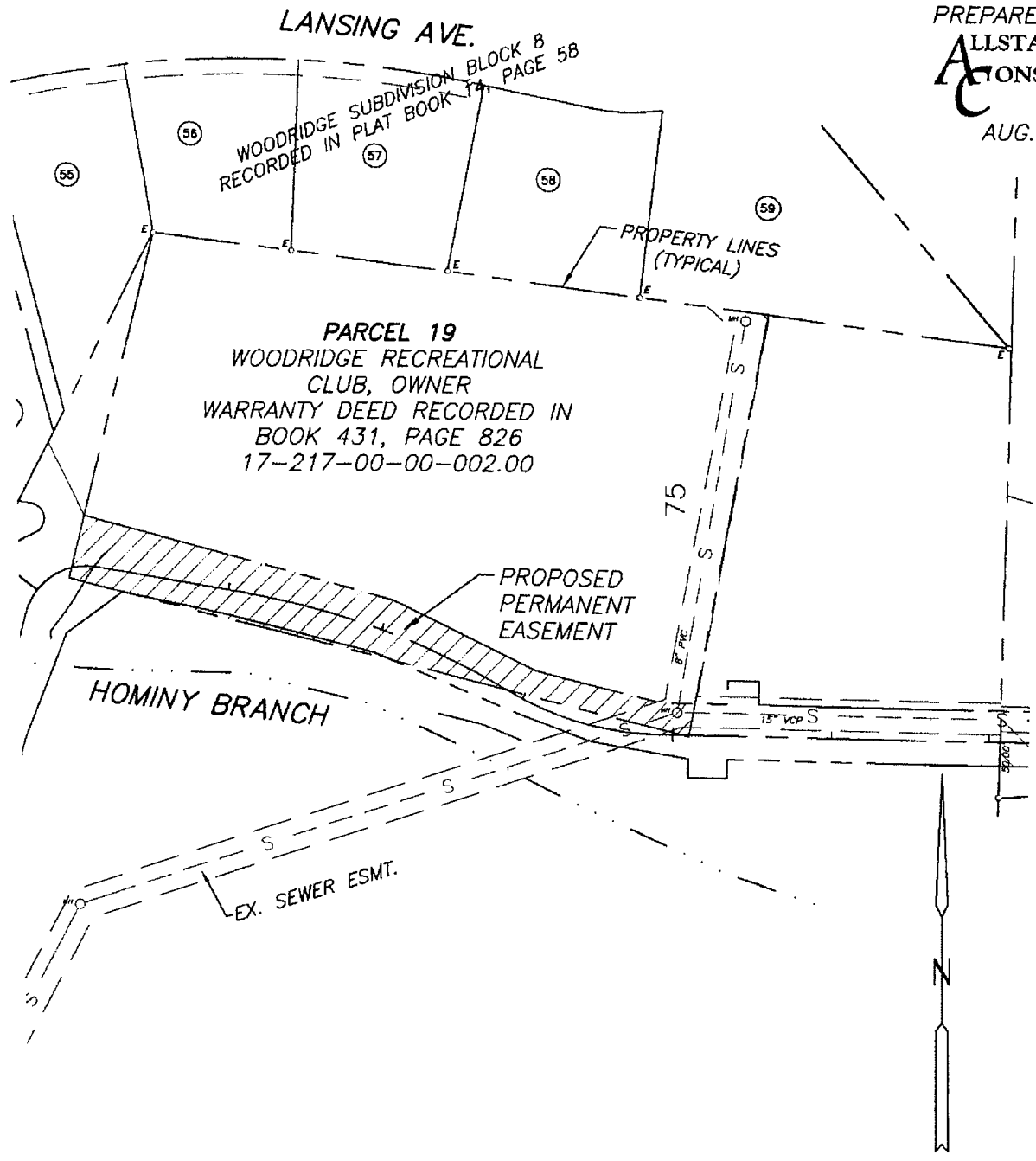
PARCEL 13
PATRICIA M. HOEFENER, OWNER
QUIT-CLAIM DEED RECORDED IN
BOOK 940, PAGE 309
17-217-00-00-003.00

PROPOSED PERMANENT EASEMENT: 9,765 SQUARE FEET
(INCLUSIVE OF 3,715 SQ. FT. WITHIN EXISTING ESMT.)

DISPLAY OF PROPOSED HOMINY TRAIL EASEMENTS

AUG. 19, 2010
PARCEL 13

PREPARED BY:
ALLSTATE
CONSULTANTS
AUG. 19, 2010



PROPOSED PERMANENT EASEMENT: 12,330 SQ. FT.
(INCLUSIVE OF 620 SQ. FT. WITHIN EXISTING ESMT.)

DISPLAY OF PROPOSED HOMINY TRAIL EASEMENTS