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Ordinance No. 024820

Council Bill No. B 340-21

AN ORDINANCE

declaring the need to acquire an easement for construction of the Lakeshore Drive and Edgewood Avenue PCCE #23 sanitary sewer improvement 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, following the public hearing held on July 6, 2021, the City Council determined it was in the public interest to construct the Lakeshore Drive and Edgewood Avenue PCCE #23 sanitary sewer improvement project and by motion directed the City Manager to proceed with having plans and specifications prepared; 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 for construction of the Lakeshore Drive and Edgewood Avenue PCCE #23 sanitary sewer improvement project, described as follows:

**TEMPORARY CONSTRUCTION EASEMENT
LESLIE JANE SIMMONS
PARCEL #: 16-610-00-01-063.00 01**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT 19 OF QUARRY HEIGHTS SUBDIVISION BLOCK 2,

RECORDED IN PLAT BOOK 4, PAGE 44, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, AND DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2482, PAGE 18, ALL OF THE BOONE COUNTY RECORDS. SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 19, ALSO BEING THE NORTHEAST CORNER OF LOT 18, THENCE N.89°07'15"W, ALONG THE LINE BETWEEN LOTS 18 AND 19, 10.00 FEET; THENCE LEAVING THE COMMON LINE OF LOTS 18 AND 19, N.00°53'02"E, 60.00 FEET; THENCE S.89°07'15"E, 10.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 19 ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF EDGEWOOD DRIVE; THENCE S.00°53'02"W ALONG THE EAST LINE OF SAID LOT 19, 60.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 600 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION)

SECTION 2. The City Manager is authorized to acquire the land described in Section 1 by negotiation or by the exercise of the power of eminent domain as set forth in Section 4 hereof.

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 1st day of November, 2021.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor