

024731

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First Reading 8-2-21

Second Reading 8-16-21

Ordinance No. 024731

Council Bill No. B 250-21

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Hinkson Creek outfall trunk sewer to serve properties along the eastern side of the Route B industrial corridor; 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 April 19, 2021, the City Council determined it was in the public interest to construct approximately 2,150 linear feet of gravity sewer main and eight (8) sanitary sewer structures from the Hinkson Creek outfall trunk sewer to serve properties along the eastern side of the Route B industrial corridor 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 easements for construction of the Hinkson Creek outfall trunk sewer to serve properties along the eastern side of the Route B industrial corridor, described as follows:

**PERMANENT SANITARY SEWER EASEMENT  
CITY OF COLUMBIA  
PARCEL NUMBER: 12-801-28-00-001.00 01**

A 20 FOOT WIDE EASEMENT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE TRUSTEE'S DEED IN BOOK 3926 PAGE 81 OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; STARTING AT THE SOUTH EAST CORNER OF LOT 1A HUNTER AND LUCAS ADDITION PLAT 2 AS SHOWN IN PLAT BOOK 41 PAGE 85 OF THE BOONE COUNTY RECORDS, THENCE WITH THE EAST LINE OF SAID LOT 1A N.02°14'40"W, 12.36 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID EAST LINE S.70°04'40"E, 15.72 FEET; THENCE N.90°00'00"E, 18.46 FEET TO A POINT ON THE WEST LINE OF THE TRACT DESCRIBED BY SAID TRUSTEE'S DEED, THE POINT OF BEGINNING OF SAID CENTERLINE AND EASEMENT; THENCE CONTINUING N.90°00'00"E, 53.77 FEET; THENCE S.49°45'20"E, 359.38 FEET TO THE END OF THIS CENTERLINE AND EASEMENT AND CONTAINS 8,263 SQUARE FEET.

**PERMANENT SANITARY SEWER EASEMENT  
KARLENE LUCAS  
PARCEL NUMBER: 12-801-00-03-001.00 01**

A PERMANENT SANITARY SEWER EASEMENT LOCATED IN THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER AND THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE QUIT-CLAIM DEED IN BOOK 4816 PAGE 0168 AND ALSO BEING ON AND ACROSS LOT 1A OF HUNTER AND LUCAS ADDITION PLAT 2 AS SHOWN IN PLAT BOOK 41 PAGE 85 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTH EAST CORNER OF THE SAID LOT 1A, THENCE WITH THE SOUTH LINE OF SAID LOT 1A N.84°03'00"W, 10.00 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.69°06'10"W, 400.85 FEET TO THE PI POINT ON THE WEST LINE OF SAID LOT 1A, BEING THE SOUTH WEST CORNER OF THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION 28; THENCE WITH SAID WEST LINE N.00°52'00"E, 21.29 FEET; THENCE LEAVING SAID WEST LINE S.69°06'10"E, 405.52 FEET; THENCE S.84°03'00"E, 4.50 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1A; THENCE WITH SAID EAST LINE S.02°14'40"E, 20.21 FEET TO THE POINT OF BEGINNING AND CONTAINS 8,210 SQUARE FEET.

**TEMPORARY CONSTRUCTION EASEMENT  
KARLENE LUCAS  
PARCEL NUMBER: 12-801-00-03-001.00 01**

TEMPORARY CONSTRUCTION EASEMENT # 1

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER AND THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE QUIT-CLAIM DEED IN BOOK 4816 PAGE 0168 AND ALSO BEING ON AND ACROSS LOT 1A OF HUNTER AND LUCAS ADDITION PLAT 2 AS SHOWN IN PLAT BOOK 41 PAGE 85 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE SOUTH EAST CORNER OF THE SAID LOT 1A, THENCE WITH THE SOUTH LINE OF SAID LOT 1A N.84°03'00"W, 10.00 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE LEAVING SAID SOUTH LINE N.69°06'10"W, 400.85 FEET TO THE PI POINT ON THE WEST LINE OF SAID LOT 1A, BEING THE SOUTH WEST CORNER OF THE SOUTH EAST QUARTER OF THE NORTH EAST QUARTER OF SAID SECTION 28; THENCE WITH SAID WEST LINE N.00°52'00"E, 21.29 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID WEST LINE N.00°52'00"E, 31.93 FEET; THENCE LEAVING SAID WEST LINE S.69°06'10"E, 408.97 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1A; THENCE WITH SAID EAST LINE S.05°33'00"W, 3.37 FEET; THENCE S.02°14'40"E, 27.83 FEET; THENCE LEAVING SAID EAST LINE N.84°03'00"W, 4.50 FEET; THENCE N.69°06'10"W, 405.52 FEET TO THE POINT OF BEGINNING AND CONTAINS 0.28 ACRES.

TEMPORARY CONSTRUCTION EASEMENT # 2

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE QUIT-CLAIM DEED IN BOOK 4816 PAGE 0168 AND ALSO BEING ON AND ACROSS LOT 1A OF HUNTER AND LUCAS ADDITION PLAT 2 AS SHOWN IN PLAT BOOK 41 PAGE 85 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE SOUTH EAST CORNER OF THE SAID LOT 1A, THENCE WITH THE SOUTH LINE OF SAID LOT 1A N.84°03'00"W, 10.00 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID SOUTH LINE N.84°03'00"W, 372.70 FEET TO THE SOUTH WEST CORNER OF SAID LOT 1A; THENCE WITH THE WEST LINE OF SAID LOT 1A N.02°04'50"W, 104.41 FEET TO THE NORTH WEST CORNER OF THE NORTH EAST QUARTER OF THE SOUTH EAST QUARTER OF SAID SECTION 28; THENCE LEAVING SAID WEST LINE S.69°06'10"E, 400.85 FEET TO THE POINT OF BEGINNING AND CONTAINS 0.44 ACRES.

**PERMANENT SANITARY SEWER EASEMENT  
PLUMROSE USA, INC  
PARCEL NUMBER: 12-801-00-09-001.00 01**

A 20 FOOT WIDE EASEMENT LOCATED IN THE WEST HALF THE NORTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 5398 PAGE 84 AND ALSO BEING ON AND ACROSS LOT 1 OF PLUMROSE USA, INC. FINAL PLAT AS SHOWN IN PLAT BOOK 55 PAGE 51 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING 10 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; STARTING AT THE SOUTH EAST CORNER OF SAID LOT 1, THENCE WITH THE EAST LINE OF SAID LOT 1 N.00°52'00"E, 10.00 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) THE POINT OF BEGINNING OF SAID CENTERLINE AND EASEMENT; THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID EAST LINE S.89°51'50"W, 104.68 FEET; THENCE N.50°31'40"W, 315.30 FEET; THENCE N.01°11'40"W, 300.41 FEET; THENCE N.03°10'10"W, 400.00 FEET; THENCE N.00°52'00"E, 732.96 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT BEING N.89°32'15"W, 390.00 FEET FROM THE NORTH EAST CORNER OF SAID LOT 1, THE END OF THIS CENTERLINE AND EASEMENT. THE SIDE LINES OF THE DESCRIBED EASEMENT ARE TO BE EXTENDED OR SHORTENED TO TERMINATE ON THE PROPERTY LINE. SAID EASEMENT CONTAINS 0.85 ACRES.

**TEMPORARY ACCESS EASEMENT  
PLUMROSE USA, INC  
PARCEL NUMBER: 12-801-00-09-001.00 01**

A TEMPORARY ACCESS EASEMENT LOCATED IN THE WEST HALF THE NORTH EAST QUARTER AND IN THAT PART OF THE EAST HALF OF THE NORTH WEST QUARTER LYING EAST OF ROUTE B ALL OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 5398 PAGE 84 AND ALSO BEING ON AND ACROSS LOT 1 OF PLUMROSE USA, INC. FINAL PLAT AS SHOWN IN PLAT BOOK 55 PAGE 51 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE SOUTH EAST CORNER OF SAID LOT 1, THENCE WITH THE SOUTH LINE OF SAID LOT 1 S.89°51'50"W, 503.53 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) THENCE LEAVING SAID SOUTH LINE N.01°11'40"W, 505.74 FEET; THENCE N.03°10'10"W, 402.88 FEET; THENCE N.00°52'00"E, 226.54 FEET THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING N.89°08'00"W, 769.68 FEET, S.82°18'40"W, 701.43 FEET; THENCE S.81°36'10"W, 62.47 FEET; THENCE S.86°30'40"W, 66.93 FEET; THENCE N.81°55'40"W, 84.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1, SAID POINT BEING S.24°40'30"W, 406.53 FEET FROM

THE WESTERN PI SHOWN AS STA 1057+89.99, 75' LT ON SAID PLUMROSE USA, INC. FINAL PLAT; THENCE WITH THE WEST LINE OF SAID LOT 1 N.24°40'30"E, 52.17 FEET; THENCE LEAVING SAID WEST LINE S.81°55'40"E, 64.64 FEET; THENCE N.86°30'40"E, 59.72 FEET; THENCE N.81°36'10"E, 60.64 FEET; THENCE N.82°18'40"E, 705.48 FEET; THENCE S.89°08'00"E, 773.42 FEET; THENCE S.00°52'00"W, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINS 1.92 ACRES.

**TEMPORARY CONSTRUCTION EASEMENT  
PLUMROSE USA, INC  
PARCEL NUMBER: 12-801-00-09-001.00 01**

TEMPORARY CONSTRUCTION EASEMENT # 1

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE WEST HALF THE NORTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 5398 PAGE 84 AND ALSO BEING ON AND ACROSS LOT 1 OF PLUMROSE USA, INC. FINAL PLAT AS SHOWN IN PLAT BOOK 55 PAGE 51 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE SOUTH EAST CORNER OF SAID LOT 1, THENCE WITH THE EAST LINE OF SAID LOT 1 N.00°52'00"E, 20.00 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING: THENCE FROM THE POINT OF BEGINNING, LEAVING SAID EAST LINE S.89°51'50"W, 101.25 FEET; THENCE N.50°31'40"W, 78.42 FEET; THENCE N.89°52'00"E, 162.54 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, SAID POINT BEING N.00°52'00"E, 70.00 FEET FROM THE SOUTH EAST CORNER OF SAID LOT 1; THENCE WITH SAID EAST LINE S.00°52'00"W, 50.00 FEET TO THE POINT OF BEGINNING AND CONTAINS 6,592 SQUARE FEET.

TEMPORARY CONSTRUCTION EASEMENT # 2

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE WEST HALF THE NORTH EAST QUARTER OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 12 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE DEED IN BOOK 5398 PAGE 84 AND ALSO BEING ON AND ACROSS LOT 1 OF PLUMROSE USA, INC. FINAL PLAT AS SHOWN IN PLAT BOOK 55 PAGE 51 ALL OF THE BOONE COUNTY RECORDS AND SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; STARTING AT THE SOUTH EAST CORNER OF SAID LOT 1, THENCE WITH THE SOUTH LINE OF SAID LOT 1 S.89°51'50"W, 108.10 FEET ( BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING: THENCE FROM THE POINT OF BEGINNING, CONTINUING WITH SAID SOUTH LINE S.89°51'50"W, 395.43 FEET; THENCE LEAVING SAID SOUTH LINE N.01°11'40"W, 505.74 FEET; THENCE N.03°10'10"W, 402.88 FEET ; THENCE N.00°52'00"E, 744.46 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT BEING N.89°32'20"W, N, 550.00 FEET FROM THE NORTH EAST CORNER OF

SAID LOT 1; THENCE WITH SAID LOT 1 S.89°32'20"E, 150.00 FEET; THENCE LEAVING SAID NORTH LINE S.00°52'00"W, 740.23 FEET; THENCE S.03°10'10"E, 400.18 FEET; THENCE S.01°11'40"E, 304.83 FEET; THENCE S.50°31'40"E, 323.48 FEET TO THE POINT OF BEGINNING AND CONTAINS 6.27 ACRES.

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 16th day of August, 2021.

ATTEST:

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

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

APPROVED AS TO FORM:

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