

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 100-21

AN ORDINANCE

declaring the need to acquire an additional easement for replacement of the water distribution infrastructure along Country Club Drive South and Elliott Drive; 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 June 3, 2019, the City Council determined it was in the public interest to replace the water distribution infrastructure along Country Club Drive South and Elliott Drive 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; and

WHEREAS, the Council passed Ordinance No. 023919 on July 1, 2019 to authorize the acquisition of easements for replacement of the water distribution infrastructure along Country Club Drive South and Elliott Drive; however, it is necessary to acquire one (1) additional water and electric easement.

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 replacement of the water distribution infrastructure along Country Club Drive South and Elliott Drive, described as follows:

PERMANENT WATER AND ELECTRIC EASEMENT
Virginia Dyas McAlester Trust

A tract of land located in the southeast quarter of Section 7 T48N R12W, in Columbia, Boone County, Missouri, being part of the tract described by a deed recorded in book 174 page 598, and further described as follows:

Starting at the southwest corner of Tract # 1 of a survey recorded in book 279 page 190, shown by said survey as being South 26.3 feet, N 89°17'W 692.2 feet and S 2°40'E 132 feet from the east quarter corner of Section 7-48-12, thence S 87°39'00"E, along the southerly line thereof, 19.95 feet to the northwest corner of the tract of land described by a survey recorded in book 256 page 225; thence S 7°15'50"W, along the westerly line thereof, 30.54 feet to the point of beginning.

From the point of beginning, thence continuing along the westerly line of the tract described by a survey recorded in book 256 page 225, and the westerly line of The Divot, recorded in plat book 21 page 90, S 7°15'50"W 467.19 feet to the southwesterly corner of The Divot, also being the northeast corner of Lot 5 of Elliott's Subdivision recorded in plat book 5 page 32; thence N 83°10'40"W, along the northerly line of Elliott's Subdivision, 190.10 feet; thence leaving said line, N 6°49'20"E 8.00 feet; thence S 83°10'40"E 184.16 feet; thence N 7°15'50"E 452.72 feet; thence N 87°27'30"W 582.61 feet; thence along a curve to the left, having a radius of 244.00 feet, a distance of 76.93 feet, the chord being S 83°30'30"W 76.61 feet; thence S 56°36'10"W 195.97 feet to the easterly line of Tract 2, described by a deed recorded in book 506 page 771; thence N 5°49'00"E, along said line, 23.09 feet to a point being S 5°49'00"W 14.34 feet from the northeast corner of said Tract 2; thence leaving the easterly line of said Tract 2, N 56°39'40"E 106.74 feet; thence along a curve to the right, having a radius of 250.00 feet, a distance of 156.55 feet, the chord being N 74°36'00"E 154.01 feet; thence S 87°27'30"E 589.13 feet to the point of beginning and containing 10,126 square feet or 0.23 acre, exclusive of the sewer easement recorded in book 4111 page 51.

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 _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor