

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 126-21

AN ORDINANCE

declaring the need to acquire easements for construction of storm water improvements on Bray Avenue, east of Longwell 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 January 4, 2021, the City Council determined it was in the public interest to construct storm water improvements on Bray Avenue, east of Longwell 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.

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 storm water improvements on Bray Avenue, east of Longwell Drive, described as follows:

**KATHLEEN WARNER SLANE
PARCEL ID: 16-514-00-01-013.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT TWENTY-NINE (29) OF UNIVERSITY PARK ADDITION #4 & RESUBDIVISION LOTS 12, 22, 23 UNIV PARK ADD #2 AS RECORDED IN PLAT

BOOK 11, PAGE 21, AND DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 1689, PAGE 304, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY MOST CORNER OF SAID LOT TWENTY-NINE (29), SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BRAY AVENUE; THENCE WITH THE WESTERLY LINE OF SAID LOT TWENTY-NINE (29), N7°24'18"E, 86.76 FEET; THENCE LEAVING SAID WESTERLY LINE, S82°35'42"E, 8.00 FEET TO A POINT ON THE EASTERLY LINE OF A PLATTED 8-FOOT WIDE UTILITY EASEMENT AND THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, S82°48'42"E, 5.00 FEET; THENCE S7°24'18"W, 56.36 FEET TO THE EASTERLY LINE OF A PLATTED DRAINAGE & UTILITY EASEMENT; THENCE WITH THE SAID EASTERLY LINE OF A PLATTED DRAINAGE & UTILITY EASEMENT, N11°31'10"W, 15.42 FEET TO THE INTERSECTION OF THE SAID EASTERLY LINE OF A PLATTED DRAINAGE & UTILITY EASEMENT AND THE SAID EASTERLY LINE OF A PLATTED 8-FOOT WIDE UTILITY EASEMENT; THENCE LEAVING SAID EASTERLY LINE OF A PLATTED DRAINAGE & UTILITY EASEMENT AND WITH THE SAID EASTERLY LINE OF A PLATTED 8-FOOT WIDE UTILITY EASEMENT, N7°24'18"E, 41.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 245 SQUARE FEET.

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

**WILLIAM BONGE and CAROLYN BONGE, and JOSEPH W. BONGE
PARCEL ID: 16-514-00-01-103.00 01
TEMPORARY CONSTRUCTION EASEMENT #1**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT ONE (1) OF UNIVERSITY PARK ADDITION #4 & RESUBDIVISION LOTS 12, 22, 23 UNIV PARK ADD #2 AS RECORDED IN PLAT BOOK 11, PAGE 21, AND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 3163, PAGE 34, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT ONE (1), SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRAY AVENUE; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, N82°35'37"W, 44.92 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S7°24'23"W, 10.00 FEET TO THE INTERSECTION OF THE EASTERLY LINE OF A PLATTED 20-FOOT WIDE DRAINAGE & UTILITY EASEMENT AND THE SOUTHERLY LINE OF A PLATTED 10-FOOT WIDE UTILITY EASEMENT AND THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND WITH THE SAID SOUTHERLY LINE OF A PLATTED 10-FOOT WIDE UTILITY EASEMENT, S82°35'37"E, 17.70 FEET; THENCE LEAVING SAID SOUTHERLY LINE, S7°24'23"W, 28.01 FEET; THENCE N82°31'17"W, 10.53 FEET TO THE SAID EASTERLY LINE OF A PLATTED 20-FOOT WIDE DRAINAGE & UTILITY EASEMENT; THENCE WITH SAID EASTERLY LINE, N6°58'19"W, 28.91 FEET TO THE POINT OF BEGINNING AND CONTAINING 395 SQUARE FEET.

WILLIAM BONGE and CAROLYN BONGE, and JOSEPH W. BONGE

PARCEL ID: 16-514-00-01-103.00 01

TEMPORARY CONSTRUCTION EASEMENT #2

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT ONE (1) OF UNIVERSITY PARK ADDITION #4 & RESUBDIVISION LOTS 12, 22, 23 UNIV PARK ADD #2 AS RECORDED IN PLAT BOOK 11, PAGE 21, AND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 3163, PAGE 34, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT ONE (1), SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BRAY AVENUE; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, N82°35'37"W, 65.56 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, S7°24'23"W, 10.00 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF A PLATTED 20-FOOT WIDE DRAINAGE & UTILITY EASEMENT AND THE SOUTHERLY LINE OF A PLATTED 10-FOOT WIDE UTILITY EASEMENT AND THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND WITH THE SAID WESTERLY LINE OF A PLATTED 20-FOOT WIDE DRAINAGE & UTILITY EASEMENT, S6°58'19"E, 28.91 FEET; THENCE LEAVING SAID EASTERLY LINE, N82°25'48"W, 8.91 FEET; THENCE N6°57'10"W, 28.88 FEET TO THE SAID SOUTHERLY LINE OF A PLATTED 10-FOOT WIDE UTILITY EASEMENT; THENCE WITH SAID SOUTHERLY LINE, S82°35'37"E, 8.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 249 SQUARE FEET.

(ALL 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 _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor