

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No.       B 169-19      

**AN ORDINANCE**

declaring the need to acquire easements 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.

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

**PERMANENT UTILITY EASEMENT  
Russ and Mary Still**

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 506 page 771 and further described as follows:

Starting at the northeast corner of City survey number 132, recorded in survey record book 1 page 152, described as being South 655 feet, East 1177.5 feet and North 236.5 feet from the center of Section 7-48-12, thence N 5°49'05"E, along the easterly line of Tract 2 of the deed recorded in book 506 page 771, a distance of 41.47 feet to the point of beginning.

From the point of beginning, thence leaving the easterly line of Tract 2 of the deed recorded in book 506 page 771, S 78°37'05"W 34.52 feet; thence along a curve to the right, having a radius of 311.49 feet, a distance of 97.28 feet to the westerly line of Tract 3 of the deed recorded in book 506 page 771, the chord being S 65°36'30"W 96.88 feet; thence along said line, and the lines of Tract 2 of the deed recorded in book 506 page 771, N 027'25"E 10.76 feet; thence N 62°07'25"E 85.60 feet; thence N 56°19'05"E 60.00 feet; thence S 5°49'05"W 37.43 feet to the point of beginning and containing 2459 square feet or 0.06 acre.

### **TEMPORARY CONSTRUCTION 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, the point of beginning.

From the point of beginning, thence S 7°15'50"W, along the westerly line of the tract of land described by a survey recorded in book 256 page 225, a distance of 30.54 feet; thence leaving said line, N 87°27'30"W 589.13 feet; thence along a curve to the left, having a radius of 250.00 feet, a distance of 156.55 feet, the chord being S 74°36'00"W 154.01 feet; thence S 56°39'40"W 106.74 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, 14.34 feet, to the northeasterly corner of said Tract 2, also being on the southerly line of the Country Club Drive South right-of-way, dedicated by the plat of Country Club South Subdivision, recorded in plat book 11 page 25; thence along said right-of-way line, N 56°19'00"E 1.94 feet; thence N 34°17'00"W 8.87 feet; thence N 56°39'40"E 95.89 feet; thence N 3°13'20"E 5.23 feet to the southerly line of the tract described by a deed recorded in book 3443 page 113; thence along the southerly line of said tract, and the tracts described by deeds recorded in book 3230 page 11, book 4645 page 33, book 3401 page 29, book 4274 page 126 and book 1196 page 601, on a curve to the right, having a radius of 302.90 feet, a distance of 175.15 feet, the chord being N 75°08'10"E 172.72 feet; thence S 86°42'00"E 304.66 feet; thence N 5°37'10"E 7.90 feet; thence S 87°39'00"E 279.95 feet to the point of beginning and containing 21,002 square feet or 0.48 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 \_\_\_\_\_, 2019.

ATTEST:

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

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

APPROVED AS TO FORM:

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