

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

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

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

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

Council Bill No.     B 181-19    

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Third Avenue Alley restoration project, located between Third Avenue, Forest Avenue, Garth Avenue and Grand Avenue; 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, 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 construction of the Third Avenue Alley restoration project, located between Third Avenue, Forest Avenue, Garth Avenue and Grand Avenue, described as follows:

**Temporary Construction Easement  
Helen E. Hatton  
16-315-00-01-062.00 01**

A four (4) sided parcel of land located on the North line of a tract of land described in a Quitclaim Deed Book 4505 Page 139 also known as Lot Fifty-nine (59) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twelve (12), Township Forty-Eight (48) North, Range Thirteen (13) West, in Boone County, Missouri; said parcel being described as follows:

The north ten (10) feet of lot Fifty-nine (59) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, containing 727 square feet.

**Temporary Construction Easement**

**13 Third Avenue, LLC**

**16-315-00-01-057.00 01**

A four (4) sided parcel of land located on the North line of a tract of land described in a Missouri Corporation Warranty Deed Book 4953 Page 63 also known as the West Half of Lot Fifty-six (56) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twelve (12), Township Forty-Eight (48) North, Range Thirteen (13) West, in Boone County, Missouri; said parcel being described as follows:

The north ten (10) feet of the west half of lot Fifty-six (56) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, containing 364 square feet.

**Temporary Construction Easement**

**Evangelical Free Church of Columbia, Missouri, Inc.**

**16-315-00-01-048.00 01**

A four (4) sided parcel of land located on the South line of a tract of land described in a General Warranty Deed Book 4731 Page 44 also known as Lot Eighty-four (84) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twelve (12), Township Forty-Eight (48) North, Range Thirteen (13) West, in Boone County, Missouri; said parcel being described as follows:

The south ten (10) feet of lot Eighty-four (84) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, containing 727 square feet inclusive of a 5 foot permanent drainage easement.

**Permanent Drainage Easement**

**Evangelical Free Church of Columbia, Missouri, Inc.**

**16-315-00-01-048.00 01**

A four (4) sided parcel of land located on the South line of a tract of land described in a General Warranty Deed Book 4731 Page 44 also known as Lot Eighty-four (84) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, in the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section Twelve (12), Township Forty-Eight (48) North, Range Thirteen (13) West, in Boone County, Missouri; said parcel being described as follows:

The south five (5) feet of lot Eighty-four (84) of Odon Guitar's Subdivision and Park Addition to the City of Columbia, recorded in Plat Book 1 Page 16, containing 364 square feet.

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