

023788

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First Reading 2-4-19

Second Reading 2-18-19

Ordinance No. 023788

Council Bill No. B 36-19

**AN ORDINANCE**

declaring the need to acquire certain interests in real property for the replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street; 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 16, 2018, the City Council determined it was in the public interest to construct replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street 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 the replacement of storm drainage and sanitary sewer infrastructure along a portion of Garth Avenue north of Lynn Street, described as follows:

**OAK TOWERS HOUSING DEVELOPMENT GROUP, L.P.  
PARCEL ID: 16-315-00-11-001.00 01  
TWO (2) PERMANENT DRAINAGE EASEMENTS DESCRIBED AS FOLLOWS:**

**TRACT #1**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 4690, PAGE 78, AND A PORTION OF THAT PART OF LYNN STREET VACATED BY THE ORDINANCE RECORDED IN BOOK 333, PAGE 548, AND BEING A PORTION OF LOT FIVE (5) OF JOHN A. STEWARTS SUBDIVISION OF LOTS 29 AND 32 OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS RECORDED IN PLAT BOOK 1, PAGE 21, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT NINE (9) OF LM. NOBLE'S SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 43, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF GARTH AVE; THENCE WITH THE SAID EASTERLY RIGHT-OF-WAY LINE, N1°09'20"E, 20.91 FEET; THENCE LEAVING THE SAID EASTERLY RIGHT-OF-WAY LINE, S89°43'20"E, 13.50 FEET; THENCE S0°16'40"W, 23.83 FEET TO THE NORTHERLY LINE OF SAID LOT NINE; THENCE WITH THE SAID NORTHERLY LINE, N77°48'55"W, 14.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 306 SQUARE FEET, MORE OR LESS.

AND:

**TRACT #2**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 4690, PAGE 78, AND BEING A PORTION OF LOT'S FOUR (4) AND FIVE (5) OF JOHN A. STEWARTS SUBDIVISION OF LOTS 29 AND 32 OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS RECORDED IN PLAT BOOK 1, PAGE 21, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT NINE (9) OF LM. NOBLE'S SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 43, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF GARTH AVE; THENCE WITH THE SAID EASTERLY RIGHT-OF-WAY LINE, N1°09'20"E, 58.26 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID EASTERLY RIGHT-OF-WAY LINE, N1°09'20"E, 288.20 FEET; THENCE LEAVING THE SAID EASTERLY RIGHT-OF-WAY LINE, S88°50'40"E, 11.00 FEET; THENCE S1°09'20"W, 224.05 FEET; THENCE S37°08'45"E, 42.56 FEET; THENCE S51°43'05"W, 48.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,847 SQUARE FEET, MORE OR LESS.

**OAK TOWERS HOUSING DEVELOPMENT GROUP, L.P.**

**PARCEL ID: 16-315-00-11-001.00 01**

**PERMANENT SEWER EASEMENT DESCRIBED AS FOLLOWS:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 4690, PAGE 78, AND A PORTION OF THAT PART OF LYNN STREET VACATED BY THE ORDINANCE RECORDED IN BOOK 333, PAGE 548,

AND BEING A PORTION OF LOT FOUR (4) OF JOHN A. STEWARTS SUBDIVISION OF LOTS 29 AND 32 OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS RECORDED IN PLAT BOOK 1, PAGE 21, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT FOUR, SAID POINT BEING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD, S68°55'45"E, 18.50 FEET; THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S44°14'30"W, 25.46 FEET TO THE SAID EASTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SAID EASTERLY RIGHT-OF-WAY LINE, N1°09'20"E, 24.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 216 SQUARE FEET, MORE OR LESS.

**OAK TOWERS HOUSING DEVELOPMENT GROUP, L.P.**

**PARCEL ID: 16-315-00-11-001.00 01**

**TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 4690, PAGE 78, AND BEING A PORTION OF LOT'S FOUR (4) AND FIVE (5) OF JOHN A. STEWARTS SUBDIVISION OF LOTS 29 AND 32 OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO THE CITY OF COLUMBIA AS RECORDED IN PLAT BOOK 1, PAGE 21, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT NINE (9) OF LM. NOBLE'S SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 43, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF GARTH AVE; THENCE WITH THE SAID EASTERLY RIGHT-OF-WAY LINE, N1°09'20"E, 58.26 FEET; THENCE LEAVING THE SAID EASTERLY RIGHT-OF-WAY LINE, N51°43'05"E, 48.40 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, N37°08'45"W, 42.56 FEET; THENCE N1°09'20"E, 224.05 FEET; THENCE S88°50'40"E, 8.00 FEET; THENCE S1°09'20"W, 221.27 FEET; THENCE S37°08'45"E, 39.62 FEET; THENCE S51°43'05"W, 8.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,110 SQUARE FEET, MORE OR LESS.

**(N/F) GRACE COVENANT CHURCH OF CENTRAL MISSOURI**

**PARCEL ID: 16-315-00-12-003.01 01**

**TEMPORARY CONSTRUCTION EASEMENT DESCRIBED AS FOLLOWS:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 4081, PAGE 70, SAID TRACT BEING ALL OF LOTS TWO (2) AND THREE (3) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SAID WESTERLY RIGHT-OF-WAY LINE, S1°07'05"W, 140.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 OF CRANE'S SUBDIVISION; THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE AND WITH THE SOUTHERLY LINE OF SAID LOT 3, N89°00'20"W, 96.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE LEAVING THE SAID SOUTHERLY LINE OF LOT 3 AND WITH THE WESTERLY LINES OF SAID LOTS 2 AND 3, N1°28'25"E, 150.15 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE LEAVING THE SAID WESTERLY LINES AND WITH THE NORTHERLY LINE OF SAID LOT 2, S83°29'30"E, 96.41 FEET TO THE POINT OF BEGINNING AND CONTAINING 14,037 SQUARE FEET, MORE OR LESS.

**(N/F) GRACE COVENANT CHURCH OF CENTRAL MISSOURI**

**PARCEL ID: 16-315-00-12-002.00 01**

**PERMANENT DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 2648, PAGE 7, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA,

MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERN CORNER OF SAID LOT 1, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE, S1°07'05"W, 55.68 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE SAID WESTERLY RIGHT-OF-WAY LINE, S1°07'05"W, 25.96 FEET; THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE, N89°00'30"W, 76.98 FEET TO THE EASTERLY LINE OF A TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82; THENCE WITH THE SAID EASTERLY LINE, N1°34'30"E, 25.96 FEET; THENCE LEAVING THE SAID EASTERLY LINE, S89°00'30"E, 76.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,996 SQUARE FEET, MORE OR LESS.

**(N/F) GRACE COVENANT CHURCH OF CENTRAL MISSOURI**

**PARCEL ID: 16-315-00-12-002.00 01**

**TWO (2) SEPARATE TEMPORARY CONSTRUCTION EASEMENTS DESCRIBED AS FOLLOWS:**

**TRACT #1**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 2648, PAGE 7, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERN CORNER OF SAID LOT 1, SAID POINT BEING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD AND THE WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE, S1°07'05"W, 55.68 FEET; THENCE LEAVING THE SAID WESTERLY RIGHT-OF-WAY LINE, N89°00'30"W, 76.77 FEET TO THE EASTERLY LINE OF A TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82; THENCE WITH THE SAID EASTERLY LINE, N1°34'30"E, 78.69 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD; THENCE LEAVING THE EASTERLY LINE OF SAID WARRANTY DEED AND WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S72°11'25"E, 79.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,140 SQUARE FEET, MORE OR LESS.

AND ALSO:

**TRACT #2**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE TRUSTEE'S DEED RECORDED IN BOOK 2648, PAGE 7, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF SAID LOT 1, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SOUTHERLY LINE OF SAID LOT 1, N83°29'30"W, 77.34 FEET TO THE EASTERLY LINE OF A TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82; THENCE WITH THE SAID EASTERLY LINE, N1°34'30"E, 2.31 FEET; THENCE LEAVING THE SAID EASTERLY LINE, S89°00'30"E, 76.98 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE OF GARTH AVENUE; THENCE WITH THE SAID WESTERLY RIGHT-OF-WAY LINE, S1°07'05"W, 9.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 464 SQUARE FEET, MORE OR LESS.

**(N/F) GRACE COVENANT CHURCH OF CENTRAL MISSOURI**

**PARCEL ID: 16-315-00-12-001.00 01**

**PERMANENT DRAINAGE EASEMENT DESCRIBED AS FOLLOWS:**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERN CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD; THENCE WITH THE WESTERLY LINE OF SAID LOT 1, S1°28'25"W, 84.47 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE SAID WESTERLY LINE, S89°00'30"E, 19.05 FEET; THENCE S1°34'30"W, 25.96 FEET; THENCE

N89°00'30"W, 19.00 FEET TO THE SAID WESTERLY LINE OF SAID LOT 1; THENCE WITH THE SAID WESTERLY LINE, N1°28'25"E, 25.96 FEET TO THE POINT OF BEGINNING AND CONTAINING 494 SQUARE FEET, MORE OR LESS.

**(N/F) GRACE COVENANT CHURCH OF CENTRAL MISSOURI**

**PARCEL ID: 16-315-00-12-001.00 01**

**TWO (2) SEPARATE TEMPORARY CONSTRUCTION EASEMENTS DESCRIBED AS FOLLOWS:**

**TRACT #1**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERN CORNER OF SAID LOT 1, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SEXTON ROAD; THENCE WITH THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S72°11'25"E, 19.99 FEET; THENCE LEAVING THE SAID SOUTHERLY RIGHT-OF-WAY LINE, S1°34'30"W, 78.69 FEET; THENCE N89°00'30"W, 19.05 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE WITH THE SAID WESTERLY LINE, N1°28'25"E, 84.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,560 SQUARE FEET, MORE OR LESS.

AND ALSO:

**TRACT #2**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE TRACT DESCRIBED BY THE GENERAL WARRANTY DEED RECORDED IN BOOK 2345, PAGE 82, SAID TRACT BEING A PORTION OF LOT ONE (1) OF CRANE'S SUBDIVISION OF LOTS ONE (1) AND TEN (10), IN JOHN A. STEWART'S SUBDIVISION OF LOTS TWENTY-NINE (29) AND THIRTY-TWO (32) OF GARTH'S SUBDIVISION OF GARTH'S ADDITION TO COLUMBIA, MISSOURI AS RECORDED IN PLAT BOOK 3, PAGE 36, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID LOT 1; THENCE WITH THE WESTERLY LINE OF SAID LOT 1, N1°28'25"E, 0.48 FEET; THENCE LEAVING THE SAID WESTERLY LINE, S89°00'30"E, 19.00 FEET; THENCE S1°34'30"W, 2.31 FEET TO THE SOUTHERLY LINE OF SAID LOT 1; THENCE WITH THE SAID SOUTHERLY LINE,

N83°29'30"W, 19.07 FEET TO THE POINT OF BEGINNING AND CONTAINING 26 SQUARE FEET, MORE OR LESS.

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 18th day of February, 2019.

ATTEST:

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

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

APPROVED AS TO FORM:

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