

Introduced by Trece

First Reading 6-21-21

Second Reading 7-6-21

Ordinance No. 024685

Council Bill No. B 196-21

AN ORDINANCE

declaring the need to acquire easements for construction of the Fourth Street and Broadway pedestrian crossing project; 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 easements for construction of the Fourth Street and Broadway pedestrian crossing project, described as follows:

**SECOND BAPTIST CHURCH OF COLUMBIA INC.
PARCEL# 16-320-00-17-091.00 01
PERMANENT SIDEWALK EASEMENT**

A TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 500, PAGE 486, AND SHOWN AS LOT 205 A BY THE ADMINISTRATIVE PLAT IN BOOK 1512, PAGE 548 ALL OF THE BOONE COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED (BEARING WRITTEN HEREIN ARE BASED UPON THE MISSOURI

STATE PLANE COORDINATE SYSTEM CENTRAL ZONE). THENCE FROM THE POINT OF BEGINNING WITH THE LINES OF SAID TRACT N.88°55'00"W, 97.00 FEET ALONG THE NORTH RIGHT OF WAY LINE OF EAST BROADWAY TO THE EAST RIGHT OF WAY LINE OF FOURTH STREET; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE N.01°05'00"E, 2.00 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE LEAVING THE LINES OF SAID TRACT AND SAID RIGHT OF WAY LINE S.88°55'00"E, 97.00 FEET TO EAST LINE OF SAID TRACT; THENCE S.01°05'00"W, 2.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING CONTAINING AN AREA OF 194 SQUARE FEET.

**SECOND BAPTIST CHURCH OF COLUMBIA INC.
PARCEL# 16-320-00-17-091.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING PART OF THE TRACT DESCRIBED BY THE DEED IN BOOK 500, PAGE 486, AND SHOWN AS LOT 205 A BY THE ADMINISTRATIVE PLAT IN BOOK 1512, PAGE 548 ALL OF THE BOONE COUNTY RECORDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

STARTING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED BY SAID WARRANTY DEED (BEARING WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE); THENCE FOLLOWING THE EAST LINE OF SAID TRACT N.01°05'00"E, 2.00 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING LEAVING SAID EAST LINE N.88°55'00"W, 97.00 FEET TO A POINT ON THE WEST LINE OF SAID TRACT, ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF FOURTH STREET; THENCE WITH SAID EAST RIGHT OF WAY LINE AND SAID WEST LINE, N.01°05'00"E, 7.00 FEET; THENCE LEAVING SAID LINES S.88°55'00"E, 97.00 FEET TO THE EAST LINE OF SAID TRACT; THENCE S.01°05'00"W, 7.00 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING CONTAINING AN AREA OF 679 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 6th day of July, 2021.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor