

Introduced by McDavid

First Reading 2-15-16

Second Reading 3-7-16

Ordinance No. 022750

Council Bill No. B 39-16

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Rollins at Rockcreek Culvert Replacement 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 Rollins at Rockcreek Culvert Replacement Project, described as follows:

**Michael R. Lawler and Edwina Lawler, husband and wife**  
**PERMANENT DRAINAGE EASEMENT**  
**Project: 78-32-10 Rollins at Rock Creek Culvert Replacement**  
**Parcel: 16-508-00-06-010.00**

An irregular shaped parcel of land along the east line of a tract of land described in a warranty deed in Book 2337 at Page 109, said tract being part of Lot 18 of Rockcreek Rearrangement as recorded in Plat Book 9 at Page 9, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the south line of said tract, said line also being the north Right-of-Way line of Rollins Road, N.83°56'20"W., 14.25 feet;

thence leaving said line N.33°27'20"E., 34.07 feet; thence N.34°56'35"W., 12.46 feet; thence N.16°46'10"E., 6.45 feet; thence S.83°56'20"E., 14.25 feet to the east line of said tract; thence along said line S.16°46'10"W., 46.82 feet to the POINT OF BEGINNING and containing 458 square feet.

**Michael R. Lawler and Edwina Lawler, husband and wife**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Project: 78-32-10 Rollins at Rock Creek Culvert Replacement**  
**Parcel: 16-508-00-06-010.00**

A four sided parcel of land along the east line of a tract of land described in a warranty deed in Book 2337 at Page 109, said tract being part of Lot 18 of Rockcreek Rearrangement as recorded in Plat Book 9 at Page 9, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southeast corner of said tract; thence along the south line of said tract, said line also being the north Right-of-Way line of Rollins Road, N.83°56'20"W., 16.28 feet; thence leaving said line N.16°46'10"E., 46.82 feet; thence S.83°56'20"E., 16.28 feet to the east line of said tract; thence along said line S.16°46'10"W., 46.82 feet to the POINT OF BEGINNING and containing 291 square feet exclusive of permanent drainage easement granted this date.

**Harold K. Jacobson and Rosemary E. Jacobson, husband and wife**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Project: 78-32-10 Rollins at Rock Creek Culvert Replacement**  
**Parcel: 16-508-00-06-011.00**

A triangular shaped parcel of land along the south line of a tract of land described in a warranty deed in Book 4123 at Page 140, said tract being Lot 17 of Rockcreek Rearrangement as recorded in Plat Book 9 at Page 9, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the southwest corner of said tract; thence along the south line of said tract, said line also being the north Right-of-Way line of Rollins Road, S.83°56'20"E., 50.00 feet to the POINT OF BEGINNING at the southeast corner of a platted sanitary sewer and drainage easement; thence along the east line of said easement N.15°05'45"E., 32.00 feet; thence leaving said line S.22°10'50"E., 35.87 feet to said south line; thence along said line N.83°56'20"W., 22.00 feet to the POINT OF BEGINNING and containing 348 square feet.

**Manijeh Heidari and Abdol Jafari, wife and husband**  
**PERMANENT DRAINAGE EASEMENT**  
**Project: 78-32-10 Rollins at Rock Creek Culvert Replacement**  
**Parcel: 16-512-00-02-101.00**

A triangular shaped parcel of land along the east line of a tract of land described in a warranty deed in Book 1245 at Page 552, said tract being Lot 1, Block V of College Park Plat III as recorded in Plat Book 6 at Page 39, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the east line of said tract, said line also being the west line of the platted alley, S.16°56'55"W., 103.50 feet to the southeast corner of said tract; thence N.2°52'55"E., 101.87 feet to the north line of said tract, said line also being the south Right-of-Way line of Rollins Road; thence along said line S.83°45'35"E., 25.20 feet to the POINT OF BEGINNING and containing 1,281 square feet.

**Manijeh Heidari and Abdol Jafari, wife and husband**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**Project: 78-32-10 Rollins at Rock Creek Culvert Replacement**  
**Parcel: 16-512-00-02-101.00**

A four sided parcel of land along the east line of a tract of land described in a warranty deed in Book 1245 at Page 552, said tract being Lot 1, Block V of College Park Plat III as recorded in Plat Book 6 at Page 39, both of the Boone County Records; situate in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the northeast corner of said tract; thence along the east line of said tract, said line also being the west line of the platted alley, S.16°56'55"W., 103.50 feet to the southeast corner of said tract; thence along the south line of said tract N.83°56'05"W., 26.48 feet; thence leaving said line N.16°56'55"E., 103.58 feet to the north line of said tract, said line also being the south Right-of-Way line of Rollins Road; thence along said line S.83°45'35"E., 26.46 feet to the POINT OF BEGINNING and containing 1,411 square feet exclusive of permanent drainage easement granted this date.

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 7<sup>th</sup> day of March, 2016.

ATTEST:

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

  
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Mayor and Presiding Officer

APPROVED AS TO FORM:

  
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City Counselor