

Introduced by Treece

First Reading 3-16-20

Second Reading 4-6-20

Ordinance No. 024197

Council Bill No. B 62-20

024197  
Permanent Record  
Filed in Clerk's Office

**AN ORDINANCE**

declaring the need to acquire easements for construction of the Tupelo Place and Larch Court sanitary sewer improvement 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, following the public hearing held on November 18, 2019, the City Council determined it was in the public interest to construct the Tupelo Place and Larch Court sanitary sewer improvement project 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 construction of the Tupelo Place and Larch Court sanitary sewer improvement project, described as follows:

**SPRING CREEK PROPERTIES, L.L.C.  
PROJECT: TUPELO-LARCH SEWER REPLACEMENT  
PARCEL ID: 17-109-00-00-007.00 01  
PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE WARRANTY

DEED RECORDED IN BOOK 4836, PAGE 111, BEING A PORTION OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 4509, PAGE 116, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 10 OF VALLEY HIGH SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 2 (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION) THENCE WITH THE NORTH LINE OF SAID LOT 10 S89°44'58"E, 7.92 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING LEAVING SAID NORTH LINE N0°15'02"E, 8.00 FEET; THENCE S89°44'58"E, 52.72 FEET; THENCE N0°00'00"E, 121.86 FEET TO THE NORTH LINE OF TRACT 2 OF SAID SURVEY RECORDED IN BOOK 4509, PAGE 116; THENCE WITH SAID NORTH LINE S86°51'18"E, 16.02 FEET; THENCE LEAVING SAID NORTH LINE S0°00'00"E, 129.05 FEET TO THE NORTH LINE OF SAID LOT 10; THENCE WITH SAID NORTH LOT LINE N89°44'58"W, 68.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,493 SQUARE FEET.

**SPRING CREEK PROPERTIES, L.L.C.**  
**PROJECT: TUPELO-LARCH SEWER REPLACEMENT**  
**PARCEL ID: 17-109-00-00-007.00 01**  
**TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 48 NORTH, RANGE 12 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PORTION OF THE WARRANTY DEED RECORDED IN BOOK 4836, PAGE 111, BEING A PORTION OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 4509, PAGE 116, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 10 OF VALLEY HIGH SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 2 (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION) THENCE N0°17'17"E, 8.00 FEET TO THE NORTH LINE OF A SEWER EASEMENT AS RECORDED IN BOOK 388, PAGE 126 AND IN BOOK 400, PAGE 703 AND THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING CONTINUE WITH SAID NORTH LINE N89°44'58"W, 20.00 FEET; THENCE LEAVING SAID NORTH LINE N0°17'17"E, 12.00 FEET; THENCE S89°44'58"E, 72.61 FEET; THENCE

N0°00'59"W, 110.26 FEET TO THE NORTH LINE OF TRACT 2 OF SAID SURVEY RECORDED IN BOOK 4509, PAGE 116; THENCE WITH SAID NORTH LINE S86°51'18"E, 8.01 FEET; THENCE LEAVING SAID NORTH LINE S0°00'00"E, 121.86 FEET; THENCE N89°44'58"W, 60.64 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,846 SQUARE FEET.

**SPRING CREEK PROPERTIES, L.L.C.**  
**PROJECT: TUPELO-LARCH SEWER REPLACEMENT**  
**PARCEL ID: 17-109-00-00-007.00 01**  
**TEMPORARY CONSTRUCTION EASEMENT**

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COMMENCING AT THE NORTHWEST CORNER OF LOT 10 OF VALLEY HIGH SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 2 (BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE AS GATHERED BY GPS OBSERVATION) THENCE WITH THE NORTH LINE OF SAID LOT 10 S89°44'58"E, 76.68 FEET TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING LEAVING SAID NORTH LINE N0°00'00"E, 129.05 FEET TO THE NORTH LINE OF TRACT 2 OF SAID SURVEY RECORDED IN BOOK 4509, PAGE 116; THENCE WITH SAID NORTH LINE S86°51'18"E, 8.01 FEET; THENCE LEAVING SAID NORTH LINE S0°01'00"E, 128.64 FEET TO THE NORTH LINE OF SAID LOT 10; THENCE WITH SAID NORTH LINE N89°44'58"W, 8.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,033 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 April, 2020.

ATTEST:

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

  
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Mayor and Presiding Officer

APPROVED AS TO FORM:

  
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City Counselor