

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 97-19

AN ORDINANCE

repealing Ordinance No. 023806 which authorized the acquisition of a certain leasehold interest in property, identified as Hangar 350 at the Columbia Regional Airport, and enacting new provisions related thereto; and fixing the time when this ordinance shall become effective.

WHEREAS, the City entered into a Lease and Agreement for Hangar Ground Site at the Columbia Regional Airport with Central Missouri Aviation, Inc. on or about June 12, 1995, a copy of which lease is attached hereto as "Exhibit A" (hereinafter "Hangar 350 Lease"); and

WHEREAS, on or about November 7, 1995 the Hangar 350 Lease was amended by the parties pursuant to the Amendment to Lease and Agreement for Hangar Ground Site at Columbia Regional Airport, a copy of which is attached hereto as "Exhibit B" (hereinafter "Amendment"); and

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 constructing a new airport passenger terminal building at Columbia Regional Airport; and

WHEREAS, Ordinance No. 023806 previously approved by the City Council contained an error in the legal description of the property and Council finds it to be in the best interest of the City to repeal Ordinance No. 023806 and enact a new ordinance containing the correct legal description.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby repeals Ordinance No. 023806 passed on March 4, 2019, which authorized acquisition of a certain leasehold interest in property, identified as Hangar 350 at the Columbia Regional Airport.

SECTION 2. The City Council hereby declares the need to acquire the leasehold interest of Central Missouri Aviation, Inc. or its successors in interest in property set forth in Exhibit A and Exhibit B attached hereto and made a part hereof by reference, identified as Hangar 350 at the Columbia Regional Airport, which is located on real property described as follows:

A FOUR (4) SIDED PARCEL OF LAND UPON THE COLUMBIA REGIONAL AIRPORT PROPERTY BEING DESIGNATED AS GROUND LEASE 350; SITUATE IN THE NORTH WEST QUARTER OF THE NORTHEAST QUARTER (1/4) OF SECTION 36, TOWNSHIP 47 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI; SAID PARCEL BEING DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF SECTION 30, TOWNSHIP 47 NORTH, RANGE 11 WEST; THENCE ON A DIRECT LINE N 78°50'08"W, 2,186.67 FEET TO THE SOUTHERLY CORNER OF GROUND LEASE 200 (PREVIOUSLY DESIGNATED AS TRACT A); THENCE ALONG THE EASTERLY LINE OF SAID GROUND LEASE EXTENDED S 21°12'10"W, 794.61 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING CONTINUING ALONG SAID LINE S 21°12'10"W, 210.00 FEET; THENCE LEAVING SAID LINE N 68°47'50"W, 195.00 FEET; THENCE N 21°12'10"E, 210.00 FEET; THENCE S 68°47'50"E, 195.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 40,950 SQUARE FEET.

SECTION 3. The leasehold interest located on the property described in Section 2 is a surveyed legal description of the actual site of Hangar 350 and supplements the legal descriptions contained in Exhibits A and B. Such legal description for the property set forth in Section 2 was sealed and certified by the city surveyor on March 25, 2019, and is attached hereto as "Exhibit C" and made a part hereof by reference.

SECTION 4. The City Manager is authorized to acquire the leasehold interest described in Section 2 by negotiation or by the exercise of the power of eminent domain as set forth in Section 6 hereof.

SECTION 5. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the leasehold interest described in Section 2.

SECTION 6. If the City cannot agree with the owners, or those claiming an interest in the leasehold described in Section 2, on the proper compensation to be paid for such interest, 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 leasehold interest described in Section 2 by condemnation.

SECTION 7. 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