

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 145-21

AN ORDINANCE

declaring the need to acquire easements for the replacement of water distribution infrastructure along Business Loop 70 between Fay Street and Old Highway 63; 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 5, 2021, the City Council determined it was in the public interest to replace water distribution infrastructure along Business Loop 70 between Fay Street and Old Highway 63 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 easements for the replacement of water distribution infrastructure along Business Loop 70 between Fay Street and Old Highway 63, described as follows:

**PERMANENT WATER UTILITY EASEMENT
Cottle Land Investments, LLC
1201 North Old Highway 63
Deed: Book 2067 Page 860**

A strip of land 10 (Ten) feet wide, located in the northeast quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed

recorded in book 2067 page 860, also being part of Lots 5 and 6 of Wellington Gordon and M.C. Conley's Subdivision recorded in plat book 1 page 4, further described as follows:

Beginning at southwest corner of said Lot 5, thence along the west line of said lot, N 0°41'20"E 10.00 feet; thence leaving said line, S 89°25'50"E 202.75 feet; thence S 0°41'20"W 10.00 feet to the south line of said Lot 6; thence along said line, N 89°25'50"W 202.75 feet to the beginning.

PERMANENT WATER UTILITY EASEMENT

Timeless Treasures of Columbia, LLC

1202 E. Business Loop 70

Deed: Book 2981 Page 134

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 2981 page 134, also being part of Lot 1 of Block 1 Tandy's Addition, recorded in plat book 91 page 387, further described as follows:

Beginning at the northwest corner of Lot 1 of Block 1 Tandy's Addition, thence along the northerly line of said lot, S 88°59'50"E 83.37 feet; thence leaving said line, S 0°50'30"W 10.00 feet; thence N 88°59'50"W 83.37 feet; to the west line of Lot 1 of Block 1 Tandy's Addition, thence N 0°50'30"E 10.00 feet to the beginning.

PERMANENT WATER UTILITY EASEMENT

Timeless Treasures of Columbia, LLC

1204 E. Business Loop 70

Deed: Book 4695 Page 146

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4695 page 146, also being part of Lot 1 of Block 1 Tandy's Addition, recorded in plat book 91 page 387, further described as follows:

Starting at the northwest corner of Lot 1 of Block 1 Tandy's Addition, thence along the northerly line of said lot, S 88°59'50"E 83.37 feet to the point of beginning.

From the point of beginning, thence continuing along said north line, S 88°59'50"E 63.45 feet; thence leaving said line, S 0°50'30"W 10.00 feet; thence N 88°59'50"W 63.45 feet; thence N 0°50'30"E 10.00 feet to the point of beginning, and containing 634 square feet or 0.01 acres.

PERMANENT WATER UTILITY EASEMENT
Timeless Treasures of Columbia, LLC
1208 E. Business Loop 70
Deed: Book 4907 Page 34

A strip of land, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4907 page 34, also being part of Lots 1 and 18 of Block 1 Tandy's Addition, recorded in plat book 91 page 387, further described as follows:

Starting at a point on the north line of Lot 1 of Block 1 Tandy's Addition, being N 89°16'30"W 34.00 feet from the northeast corner of said lot, the point of beginning.

From the point of beginning, thence along the north line of Lots 1 and 18, S 89°16'30"E 146.00 feet; thence S 46°25'20"E 73.25 feet to the east line of Lot 18; thence along said line, S 0°50'30"W 13.61 feet; thence leaving said line, N 46°25'20"W 39.10 feet; thence N 0°42'40"E 8.42 feet; thence N 89°17'20"W 9.07 feet; thence N 46°25'20"W 27.36 feet; thence N 89°16'30"W 142.10 feet; thence N 0°50'30"E 10.00 feet to the point of beginning, and containing 2,164 square feet or 0.05 acres.

PERMANENT WATER UTILITY EASEMENT
63/70 LLC
1213 North Old Highway 63
Deed: Book 4435 Page 129

A strip of land 10 (Ten) feet wide, located in the northeast quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4435 page 129, also being part of Lots 1 and 5 of Wellington Gordon and M.C. Conley's Subdivision recorded in plat book 1 page 4, further described as follows:

Beginning at northwest corner of Tract 1 described by said deed, thence along the north line of said tract, S 89°10'50"E 221.78 feet to a 10 foot water easement recorded in book 4320 page 195; thence along said easement, S 0°49'10"W 10.00 feet; thence leaving said easement, N 89°10'50"W 223.52 feet to the westerly line of said tract; thence along said tract, N 44°31'50"E 9.93 feet; thence N 60°16'30"W 5.84 feet to the beginning, and containing 2,198 square feet or 0.05 acres.

TEMPORARY CONSTRUCTION EASEMENT
63/70, LLC
1213 North Old Highway 63
Deed: Book 4435 Page 129

A strip of land 15 (Fifteen) feet wide, located in the northeast quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed

recorded in book 4435 page 129, also being part of Lots 1 and 5 of Wellington Gordon and M.C. Conley's Subdivision recorded in plat book 1 page 4, further described as follows:

Starting at northwest corner of Tract 1 described by said deed, thence along the lines of said tract, S 60°16'30"E 5.84 feet; thence S 17°43'50"W 7.50 feet to the point of beginning.

From the point of beginning, thence S 89°10'50"E 223.52 feet to a 10 foot water easement recorded in book 4320 page 195; thence along said easement, S 89°10'50"E 16.02 feet; thence S 45°07'10"E 21.57 feet; thence leaving said easement, N 89°10'50"W 260.54 feet to the westerly line of said tract; thence along said tract, N 16°54'30"E 13.79 feet; thence N 44°31'50"E 2.43 feet to the beginning, and containing 2,028 square feet or 0.05 acres.

PERMANENT WATER UTILITY EASEMENT

TRJV Investments, LLC

1300 E. Business Loop 70

Deed: Book 5299 Page 0098

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4773 page 61, also being part of Lot 1 of Block 2 Tandy's Addition, recorded in plat book 91 page 387, further described as follows:

Beginning at northeast corner of Lot 1 of Block 2 Tandy's Addition, thence along the east line of said lot, S 0°55'20"W 10.00 feet; thence leaving said line, N 89°11'20"W 1.99 feet; thence N 89°10'50"W 111.17 feet; thence S 46°28'10"W 77.15 feet to the west line of said lot; thence along the lines of said lot, N 0°55'20"E 14.01 feet; thence N 46°28'10"E 71.41 feet; thence S 89°10'50"E 115.25 feet; thence N 89°11'20"E 2.01 feet to the beginning, and containing 1,895 square feet or 0.04 acres.

PERMANENT WATER UTILITY EASEMENT

Eugenia B. Rogers Trust

1400 E. Business Loop 70

Deed: Book 5024 Page 120

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by quit-claim deed recorded in book 5024 page 120, also being part of Tract 1 of the survey recorded in book 764 page 646, further described as follows:

Beginning at northwest corner of Tract 1 of the survey recorded in book 764 page 646, thence along the north line of said tract, S 89°11'20"E 377.99 feet to the east line of said tract; thence along said line, S 0°55'20"W 10.00 feet; thence leaving said line, N 89°11'20"W 377.99 feet to the west line of said tract; thence along said line, N 0°55'20"E 10.00 feet to the beginning, and containing 3,780 square feet or 0.09 acres.

PERMANENT WATER UTILITY EASEMENT

**Rogers Family Trust
1400 E. Business Loop 70
Deed: Book 2812 Page 92**

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by quit-claim deed recorded in book 2812 page 92, also being part of Tract 2 of the survey recorded in book 764 page 646, further described as follows:

Beginning at northwest corner of Tract 2 of the survey recorded in book 764 page 646, thence along the north line of said tract, S 89°12'20"E 249.97 feet to the east line of said tract; thence along said line, S 0°55'20"W 10.00 feet; thence leaving said line, N 89°12'20"W 249.97 feet to the west line of said tract; thence along said line, N 0°55'20"E 10.00 feet to the beginning, and containing 2,500 square feet or 0.06 acres.

PERMANENT WATER UTILITY EASEMENT

**Rogers Joint Revocable Trust
1500 E. Business Loop 70
Deed: Book 3792 Page 181**

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by quit-claim deed recorded in book 3792 page 181, also being part of Tract 3 of the survey recorded in book 764 page 646, further described as follows:

Beginning at northwest corner of Tract 3 of the survey recorded in book 764 page 646, thence along the north line of said tract, S 89°12'20"E 131.91 feet to the east line of said tract; thence along said line, S 19°38'40"E 10.67 feet; thence leaving said line, N 89°12'20"W 135.66 feet to the west line of said tract; thence along said line, N 0°55'20"E 10.00 feet to the beginning, and containing 1,338 square feet of 0.30 acres.

PERMANENT WATER UTILITY EASEMENT

**Raymond Kline and Marion E. Kline
1600 E. Business Loop 70
Deed: Book 3120 Page 178**

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by trustee's deed recorded in book 3120 page 178, also being part of Lots 3 and 4 of More's Addition recorded in book 87 page 94, further described as follows:

Beginning at northwest corner of Lot 4 of More's Addition, thence along the north line of said lots, S 89°27'30"E 166.45 feet to the east line of Lot 3; thence along said line, S 0°35'50"W 10.00 feet; thence leaving said line, N 89°27'30"W 166.45 feet to the west line of Lot 4; thence along said line, N 0°35'50"E 10.00 feet to the beginning, and containing 1,664 square feet or 0.04 acres.

PERMANENT WATER UTILITY EASEMENT

The Caroline J. Harr Revocable Inter Vivos Trust

1618 E. Business Loop 70

Deed: Book 947 Page 403

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 947 page 403, also being part of Lots 1 and 2 of More's Addition recorded in book 87 page 94, further described as follows:

Beginning at northeast corner of Lot 1 of More's Addition, thence along the east line of said lot, S 0°35'50"W 10.00 feet; thence leaving said line, N 89°21'30"W 169.97 feet to the west line of Lot 2; thence along said line, N 0°35'50"E 10.00 feet to the north line of said lot; thence along the north line of said lots, S 89°21'30"E 169.97 feet to the beginning, and containing 1,700 square feet or 0.04 acres.

Temporary Construction Easement

The Caroline J. Harr Revocable Inter Vivos Trust

1618 E. Business Loop 70

Deed: Book 947 Page 403

A strip of land, 15 (Fifteen) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 947 page 403, also being part of Lots 1 and 2 of More's Addition recorded in book 87 page 94, further described as follows:

Starting at the northeast corner of Lot 1 of More's Addition, thence along the east line of said lot, S 0°35'50"W 10.00 feet to the point of beginning.

From the point of beginning, thence along the east line of said lot, S 0°35'50"W 15.00 feet; thence leaving said line, N 89°21'30"W 169.97 feet to the west line of Lot 2; thence along said line, N 0°35'50"E 15.00 feet; thence leaving said line, S 89°21'30"E 169.97 feet to the point of beginning, and containing 2,250 square feet or 0.06 acres.

PERMANENT WATER UTILITY EASEMENT
Farm and Power – Lawn and Leisure, Inc.
1702 E. Business Loop 70
Deed: Book 567 Page 217

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 567 page 217, also being part of Lot 1 of E.C. More's Subdivision recorded in book 86 page 628, further described as follows:

Beginning at northwest corner of Lot 1 of E.C. More's Subdivision, thence along the north line of said lot, S 89°13'10"E 130.28 feet; thence leaving said line, S 0°35'50"W 10.00 feet; thence N 89°13'10"W 130.28 feet to the west line of Lot 1; thence along said line, N 0°35'50"E 10.00 feet to the beginning, and containing 1,303 square feet or 0.03 acres.

TEMPORARY CONSTRUCTION EASEMENT
Farm and Power – Lawn and Leisure, Inc.
1702 E. Business Loop 70
Deed: Book 567 Page 217

A strip of land, 15 (Fifteen) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 567 page 217, also being part of Lot 1 of E.C. More's Subdivision recorded in book 86 page 628, further described as follows:

Starting at northwest corner of Lot 1 of E.C. More's Subdivision, thence along the west line of said lot, S 0°35'50"W 10.00 feet to the point of beginning.

From the point of beginning, thence leaving said line, S 89°13'10"E 130.28 feet; thence S 0°35'50"W 15.00 feet; thence N 89°13'10"W 130.28 feet to the west line of Lot 1; thence along said line, N 0°35'50"E 15.00 feet to the point of beginning, and containing 1,954 square feet or 0.04 acres.

PERMANENT WATER UTILITY EASEMENT
B.C.G.T., LLC
1712 E. Business Loop 70
Deed: Book 3918 Page 63

A strip of land, 10 (Ten) feet wide, located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 3918 page 63, also being part of Lot 1 of E.C. More's Subdivision recorded in book 86 page 628, further described as follows:

Starting at northwest corner of Lot 1 of E.C. More's Subdivision, thence along the north line of said lot, S 89°13'10"E 130.28 feet to the point of beginning.

From the point of beginning, thence along the north line of said lot, S 89°38'30"E 99.95 feet; thence leaving said line, S 0°35'50"W 10.00 feet; thence N 89°38'30"W 99.95 feet; thence N 0°35'50"E 10.00 feet to the point of beginning, and containing 999 square feet or 0.02 acres.

PERMANENT WATER UTILITY EASEMENT

Sunrise Valley, LLC

1718 E. Business Loop 70

Deed: Book 4168 Page 81

A tract of land located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4168 page 81, also being part of Lot 1 of E.C. More's Subdivision recorded in book 86 page 628, further described as follows:

Starting at northwest corner of Lot 1 of E.C. More's Subdivision, thence along the north line of said lot, S 89°13'10"E 130.28; thence S 89°38'30"E 99.95 feet to the point of beginning.

From the point of beginning, thence continuing along said north line, S 89°05'50"E 323.52 feet to the westerly right-of-way of Colt Railroad; thence along said right-of-way, along a curve to the right, having a radius of 2180.75 feet, a distance of 13.92 feet, the chord being S 44°59'50"W 13.92 feet; thence leaving said right-of-way, N 89°05'50"W 148.02 feet; thence N 41°50'10"E 7.76 feet; thence S 48°09'50"W 8.40 feet; thence N 89°05'50"W 154.32 feet; thence N 0°35'50"E 10.00 feet to the point of beginning, and containing 26,502 square feet or 0.61 acres.

TEMPORARY CONSTRUCTION EASEMENT

Sunrise Valley, LLC

1718 E. Business Loop 70

Deed: Book 4168 Page 81

A tract of land located in the northwest quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 4168 page 81, also being part of Lot 1 of E.C. More's Subdivision recorded in book 86 page 628, further described as follows:

Starting at northwest corner of Lot 1 of E.C. More's Subdivision, thence along the north line of said lot, S 89°13'10"E 130.28; thence S 89°38'30"E 99.95; thence S 89°05'50"E 323.52 feet to the westerly right-of-way of Colt Railroad; thence along said right-of-way, along a curve to the right, having a radius of 2180.75 feet, a distance of 13.92 feet, the chord being S 44°59'50"W 13.92 feet to the point of beginning.

TEMPORARY CONSTRUCTION EASEMENT

Realty Income Corporation

Monroe Street

Deed: Book 2878 Page 59

A strip of land 10 (Ten) feet wide, located in the northeast quarter of Section 7 T48N R12W, Boone County, Missouri, being part of the tract described by warranty deed recorded in book 2878 page 59, also being part of Lot 45 of Call's Addition recorded in plat book 2 page 10, further described as follows:

Beginning at a point on the north line of said lot, also being on the east right-of-way of Old 63 North, thence along said north line, S 89°28'00"E 10.00 feet; thence leaving said line, S 0°41'20"W 131.16 feet to the south line of said lot; thence along said line, S 89°58'10"W 10.00 feet to the east right-of-way of Old 63 North; thence along said line, N 0°41'20"E 131.26 feet to the beginning.

From the point of beginning, thence continuing along said right-of-way, along a curve to the right, having a radius of 2180.75 feet, a distance of 35.20 feet, the chord being S 45°38'40"W 35.20 feet; thence leaving said right-of-way, N 89°05'50"W 88.57 feet; thence N 41°50'10"E 34.04 feet; thence S 89°05'50"E 136.45 feet to the point of beginning, and containing 29,316 square feet or 0.67 acres.

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 _____ day of _____, 2021.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor