

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 170-23

AN ORDINANCE

declaring the need to acquire an easement for construction of the southeast pump station and water main 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 June 6, 2022, the City Council determined it was in the public interest to construct a southeast pump station and associated water main improvement project, and establishing a southeast pressure zone within the water distribution system, 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 an easement for construction of the southeast pump station and water main improvement project, described as follows:

**LUTHERAN SENIOR SERVICES
PARCEL #17-702-00-03-001.01 01
PERMANENT EASEMENT**

Part of the Northwest quarter of the Southeast quarter of section 29, Township 48 North, Range 12 West of the 5th P.M., Boone County, Missouri, being part of Lenoir Subdivision

Plat 2 as recorded in Plat Book 52 Page 4 of the office of the Boone County recorder of Deeds, to wit:

Commencing at an old iron rod in the east right-of-way line of U.S. Highway 63 at PC Station 215+70.36, said line also being the west line of Lot 2A of said subdivision, thence Southeasterly 167.32 feet with a curve to the left having a radius of 2390.98 feet, the chord of which bears South 03° 55' 15" East, 167.29 feet to the point of beginning; From said Point of Beginning; thence along Southeasterly 126.91 feet with a curve to the left having a radius of 2558.23 feet, the chord of which bears South 06° 41' 15" East, 1126.00 feet; thence leaving said right-of-way line, North 90° 00' 00" East, 91.00 feet; thence North 00° 00' 02" West, 125.14 feet; thence North 90° 00' 00" West, 39.33 feet; thence North 09° 11' 25" West, 272.83 feet; thence South 80° 48' 37" West, 15.00 feet; thence South 09° 11' 25" East, 270.40 feet; thence North 90° 00' 00" West, 51.15 feet to the Point of Beginning. Said Permanent Easement containing 0.38 acres, more or less, being situated in the City of Columbia, Boone County, Missouri and being subject to any and all easements, conditions, restrictions, etc. of record.

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 _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor