

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 165-19

AN ORDINANCE

declaring the need to additionally acquire certain interests in real property for construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane; 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 passed Council Bill No. B278-18 on November 19, 2018 that declared and authorized the acquisition of property for construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane; and

WHEREAS, City staff has identified additional property needs to be acquired in order to complete the improvement project; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that certain private property additionally 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 additional property for construction of the Nifong Boulevard corridor improvement project between Providence Road and Forum Boulevard/Willowcreek Lane, described as follows:

**TEMPORARY CONSTRUCTION EASEMENT
JEFFREY E. SMITH INVESTMENT CO. L.C.
(LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23)
Owner's deed: Book 1418 Page 179**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 36 T48N R13W, IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, N 88°55'50"E 86.21 FEET; THENCE LEAVING SAID LINE, S 1°04'10"E 10.00 FEET; THENCE S 88°55'50"W 58.24 FEET; THENCE S 31°16'10"W 83.73 FEET; THENCE N 84°56'20"W 10.00 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE ALONG THE LINES OF SAID LOT 1, N 5°03'40"E 29.08 FEET; THENCE N 23°54'50"E 56.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 2,280 SQUARE FEET, OR 0.05 ACRE, EXCLUSIVE OF THE AREA IN THE PERMANENT STREET EASEMENT.

**PERMANENT STREET EASEMENT
JEFFREY E. SMITH INVESTMENT CO. L.C.
(LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23)
Owner's deed: Book 1418 Page 179**

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 36 T48N R13W, IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23, FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF GENTRY ESTATES, RECORDED IN PLAT BOOK 46 PAGE 23, THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1, N 88°55'50"E 10.63 FEET; THENCE LEAVING SAID LINE, S 31°16'10"W 64.91 FEET TO THE WESTERLY LINE OF SAID LOT 1; THENCE ALONG THE LINES OF SAID LOT 1, N 5°03'40"E 4.11 FEET; THENCE N 23°54'50"E 56.00 FEET TO THE POINT OF BEGINNING, AND CONTAINING 329 SQUARE FEET, OR 0.01 ACRE.

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 _____, 2019.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor