

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 140-22

AN ORDINANCE

amending Ordinance No. 024962 as it relates to the acquisition of easements for construction of portions of sidewalk, pedestrian crossings and pedestrian crosswalks along the west side of North Stadium Boulevard (Route E) between the I-70 overpass and Cottle Drive; authorizing the acquisition of a temporary construction easement for the property owned by American Truck Repair LLC; 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, Ordinance No. 024962 passed on March 21, 2022 authorized the acquisition of easements for construction of portions of sidewalk, pedestrian crossings and pedestrian crosswalks along the west side of North Stadium Boulevard (Route E) between the I-70 overpass and Cottle Drive; and

WHEREAS, the property interest to be acquired for the property owned by American Truck Repair LLC was incorrectly identified as a permanent street easement #2 rather than a temporary construction easement; and

WHEREAS, the City Council wishes to correct this situation by deleting the incorrect property interest description from Ordinance No. 024962 and authorizing the acquisition of a new temporary construction easement against the property intended to be acquired; 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 public improvement.

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

SECTION 1. Section 1 of Ordinance No. 024962 is amended by deleting that portion of the ordinance setting forth the easement description on page 5 of the ordinance that declared the need to acquire a permanent street easement #2 from American Truck Repair LLC (Parcel: 16-207-00-00-008.00 01).

SECTION 2. The City Council hereby declares the need to acquire a temporary construction easement for construction of portions of sidewalk, pedestrian crossings and pedestrian crosswalks along the west side of North Stadium Boulevard (Route E) between the I-70 overpass and Cottle Drive, described as follows:

**AMERICAN TRUCK REPAIR LLC
PARCEL: 16-207-00-00-008.00 01
TEMPORARY CONSTRUCTION EASEMENT**

AN EASEMENT LOCATED IN SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, BEING ON AND ACROSS THE TRACT DESCRIBED BY THE WARRANTY DEED IN BOOK 4714 PAGE 132, SAID TRACT ALSO BEING TRACT 2 OF THE SURVEY IN BOOK 289 PAGE 188 ALL OF THE BOONE COUNTY RECORDS; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STARTING SOUTHEAST CORNER OF SAID TRACT 2; THENCE WITH THE SOUTH LINE OF SAID TRACT 2 N.87°22'25"W., 15.51 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) TO THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID SOUTH LINE N.87°22'25"W, 4.01 FEET; THENCE LEAVING SAID SOUTH LINE N.02°29'30"E, 13.71 FEET; THENCE S.87°30'30"E., 4.00 FEET; THENCE S.02°27'00"W., 13.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 55 SQUARE FEET.

SECTION 3. The City Manager is authorized to acquire the land described in Section 2 by negotiation or by the exercise of the power of eminent domain as set forth in Section 4 hereof.

SECTION 4. 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 5. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 2, 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 2 by condemnation.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2022.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor