

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 150-23

**AN ORDINANCE**

declaring the need to acquire two (2) additional easements for construction of the Nebraska Avenue storm water 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 March 20, 2023, the City Council determined it was in the public interest to replace and improve public storm drainage infrastructure on Nebraska Avenue and by motion directed the City Manager to proceed with having plans and specifications prepared; and

WHEREAS, on June 5, 2023, the City Council passed Ordinance No. 025352 (B112-23) authorizing the acquisition of easements for construction of the Nebraska Avenue storm water improvement project; and

WHEREAS, City staff has determined it is necessary to acquire two (2) additional permanent sanitary sewer easements to complete the storm water improvement project; and

WHEREAS, the Council deems it necessary for the welfare and improvement of the City and in the public interest that the two (2) additional easements 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 two (2) additional easements for construction of the Nebraska Avenue storm water improvement project, described as follows:

**STAWILL LLC, A MISSOURI LIMITED LIABILITY COMPANY**  
**ADDRESS: 304 NEBRASKA AVENUE**  
**PARCEL ID: 16-312-00-04-013.00 01**  
**PERMANENT SANITARY SEWER EASEMENT**

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 4772, PAGE 46, ALSO BEING A PORTION OF LOT TWENTY-TWO (22) IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE THENCE WITH THE EAST LINE OF SAID TRACT S01°58'10"E, 32.18 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) ; THENCE LEAVING SAID EAST LINE N.81°54'10"W, 5.47 FEET, THENCE N.01°58'30"E, 32.18 FEET TO A POINT ON SAID SOUTH RIGHT OF WAY LINE, THENCE WITH SAID SOUTH RIGHT OF WAY LINE S.81°54'05"E, 5.47 FEET, TO THE POINT OF BEGINNING AND CONTAINING 176 SQUARE FEET, INCLUSIVE OF 109 SQUARE FEET OF PERMANENT DRAINAGE EASEMENT AND 55 SQUARE FEET OF EXISTING STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 388 OF THE BOONE COUNTY RECORDS.

**THOMAS SCOTT ATKINS**  
**ADDRESS: 316 NEBRASKA AVENUE**  
**PARCEL ID: 16-312-00-04-012.00 01**  
**PERMANENT SANITARY SEWER EASEMENT**

AN EASEMENT LOCATED IN SECTION ONE (1), TOWNSHIP FORTY-EIGHT (48) NORTH, RANGE THIRTEEN (13) WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI BEING A PORTION OF THE TRACT DESCRIBED BY THE DEED IN BOOK 5272, PAGE 117, ALSO BEING A PORTION OF LOT TWENTY-TWO (22) IN BARKWELL'S SUBDIVISION RECORDED IN BOOK 91, PAGE 532, ALL OF THE BOONE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT BEING A POINT ON THE SOUTH RIGHT-OF-WAY OF NEBRASKA AVENUE THENCE WITH THE NORTH LINE OF SAID TRACT ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NEBRASKA AVENUE S.81°54'05"E, 16.09 FEET (BEARINGS WRITTEN HEREIN ARE BASED UPON

THE MISSOURI STATE PLANE COORDINATE SYSTEM CENTRAL ZONE) THENCE LEAVING SAID NORTH LINE S.01°58'30"W, 32.18 FEET, THENCE N.81°54'05"W, 16.09 FEET, TO A POINT ON THE WEST LINE OF SAID TRACT; THENCE WITH SAID WEST LINE N.01°58'30"E, 32.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 518 SQUARE FEET, INCLUSIVE OF 317 SQUARE FEET OF PERMANENT DRAINAGE EASEMENT, 41 SQUARE FEET OF TEMPORARY CONSTRUCTION EASEMENT AND 160 SQUARE FEET OF STREET EASEMENT AS DESCRIBED IN BOOK 379, PAGE 389 OF THE BOONE COUNTY RECORDS.

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