

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

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

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

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

Council Bill No. B 30-18

### **AN ORDINANCE**

declaring the need to acquire certain interests in real property for construction of the Bingham Road and Ridgeley Road PCCE #16 sanitary sewer 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 May 15, 2017, the City Council determined it was in the public interest to construct the Bingham Road and Ridgeley Road PCCE #16 sanitary sewer improvement project 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 property for construction of the Bingham Road and Ridgeley Road PCCE #16 sanitary sewer improvement project, described as follows:

**Jeffrey B. Jorgensen and Jaclyn L. Jorgensen, husband and wife**  
**Parcel: 16-611-00-01-097.00**  
**PERMANENT SANITARY SEWER EASEMENT**

An irregular shaped parcel of land across the south part of a tract of land described in a warranty deed in Book 3514 at Page 143, said tract being shown and described as Tract 1 of the survey as recorded in Book 270 at

Page 447, both of the Boone County Records; situate in the southwest quarter (1/4) of Section 13, Township 48 North, Range 13 West in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the southwest corner of said Tract; thence along the west line of said Tract N.3°15'15"E., 4.85 feet to the POINT OF BEGINNING; thence continuing along said line N.3°15'15"E., 16.02 feet; thence leaving said line S.83°37'25"E., 138.95 feet to the east line of said Tract, said line also being the west Right-of-Way line of Bingham Road; thence along said line along a non-tangent curve to the left having a radius of 387.70 feet a distance of 16.21 feet (the chord of said curve having bearing and distance of S.2°53'05"E., 16.21 feet); thence leaving said line N.83°37'25"W., 140.69 feet to the POINT OF BEGINNING and containing 2,236 square feet.

**Jeffery A. Steevens and Josephine C. Steevens, husband and wife**

**Parcel: 16-611-00-00-007.00**

**PERMANENT SANITARY SEWER EASEMENT**

An irregular shaped parcel of land in the southwest corner of a tract of land described in a warranty deed in Book 4622 at Page 124, said tract being Tract 3 of the survey as recorded in Book 279 at Page 486, both of the Boone County Records; situate in the southwest quarter (1/4) of Section 13, Township 48 North, Range 13 West in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

BEGINNING at the southwest corner of said Tract 3; thence along the west line of said Tract N.4°54'05"E., 5.55 feet; thence leaving said line S.89°23'10"E., 30.20 feet; thence S.0°36'50"W., 10.06 feet to the south line of said Tract, said line also being the north Right-of-Way line of W. Ridgeley Road; thence along said line N.79°57'00"W., 8.98 feet; thence along said line along a non-tangent curve to the left having a radius of 314.90 feet a distance of 21.98 feet (the chord of said curve having bearing and distance of N.81°24'05"W., 21.97 feet) to the POINT OF BEGINNING and containing 232 square feet.

**Jeffery A. Steevens and Josephine C. Steevens, husband and wife**

**Parcel: 16-611-00-00-007.00**

**TEMPORARY CONSTRUCTION EASEMENT**

An irregular shaped parcel of land in the southwest corner of a tract of land described in a warranty deed in Book 4622 at Page 124, said tract being Tract 3 of the survey as recorded in Book 279 at Page 486, both of the Boone County Records; situate in the southwest quarter (1/4) of Section 13,

Township 48 North, Range 13 West in the City of Columbia, Boone County, Missouri; said parcel being described as follows:

Starting at the southwest corner of said Tract 3; thence along the west line of said Tract N.4°54'05"E., 5.55 feet to the northwest corner of the permanent sanitary sewer easement granted this date; thence leaving said line along the north line of said easement S.89°23'10"E., 12.56 feet to the POINT OF BEGINNING; thence leaving said line N.3°50'45"E., 19.99 feet; thence S.89°32'05"E., 21.31 feet; thence S.5°59'20"W., 30.53 feet to the south line of said Tract, said line also being the north Right-of-Way line of W. Ridgeley Road; thence along said line N.79°57'00"W., 1.96 feet to the southeast corner of said easement; thence leaving said line and along the lines of said easement the following two (2) calls; N.0°36'50"E., 10.06 feet; N.89°23'10"W., 17.65 feet to the POINT OF BEGINNING and containing 443 square feet.

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 \_\_\_\_\_, 2018.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor