

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 46-19

AN ORDINANCE

declaring the need to acquire certain interests in real property for the extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive; 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 January 22, 2019, the City Council determined it was in the public interest to extend two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive 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 the extension of two 13.8 kilovolt electrical feeder circuits from the Rebel Hill Substation to the ten (10) megawatt Truman Solar Facility located east of Burnside Drive, described as follows:

**COLUMBIA CHRISTIAN CHURCH
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the southwest quarter of Section 10 T48N R12W, in Columbia, Boone County, Missouri, being part of Tract B described by a survey recorded in book 350 page 295 and further described as follows:

Starting at the northwest corner of Tract B described by a survey recorded in book 350 page 295, thence S 0°36'50"W, along the westerly line thereof, 3.46 feet, to the northeast corner of Lot 1 of Carmel Creek – Plat 1, recorded in plat book 29 page 67, the point of beginning.

From the point of beginning, thence leaving the westerly line of Tract B described by a survey recorded in book 350 page 295, N 66°59'10"E 44.20 feet to the westerly line of the tract described by a survey recorded in book 383 page 317, at a point being S 0°36'50"W 5.31 feet from the northwest corner thereof; thence S 0°36'50"W, along the westerly line of said tract, 10.92 feet; thence leaving said line, S 66°59'10"W 44.20 feet to the westerly line of Tract B described by a survey recorded in book 350 page 295, also being the easterly line of Lot 1 of Carmel Creek – Plat 1; thence N 0°36'50"E, along said line, 10.92 feet to the point of beginning and containing 442 square feet or 0.01 acre.

**CARL MORTON ROBERTS TESTAMENTARY TRUST
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the southwest quarter of Section 10 T48N R12W, in Columbia, Boone County, Missouri, being part of the tract described by a survey recorded in book 383 page 317 and further described as follows:

Starting at the northwest corner of the tract described by a survey recorded in book 383 page 317, thence S 0°36'50"W, along the westerly line of said tract, 5.31 feet to the point of beginning.

From the point of beginning, thence leaving the westerly line of the tract described by a survey recorded in book 383 page 317, N 66°59'10"E 191.85 feet; thence N 64°58'40"E 7.26 feet to the easterly line of said tract; thence S 13°55'10"E, along said line, 10.19 feet; thence leaving the lines of said tract, S 64°58'40"W 5.47 feet; thence S 66°59'10"W 196.40 feet to the westerly line of said tract; thence N 0°36'50"E, along said line, 10.92 feet to the point of beginning and containing 2005 square feet, or 0.05 acre.

**KEN JACOB AND NANCY SUBLETTE
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the southwest quarter of Section 10 T48N R12W, in Columbia, Boone County, Missouri, being part of Tract "A" described by a survey recorded in book 350 page 295 and further described as follows:

Starting at the northeast corner of Tract "A" described by a survey recorded in book 350 page 295, thence S 1°21'10"E, along the easterly line thereof, 14.03 feet to the point of beginning.

From the point of beginning, thence S 1°21'10"E, along the easterly line of the tract described by a survey recorded in book 350 page 295, a distance of 10.92 feet; thence leaving said line, S 64°58'40"W 319.05 feet to the westerly line of the tract described by a survey recorded in book 350 page 295; thence N 13°55'10"W, along said line, 10.19 feet to a point being S 13°55'10"E 12.25 feet from the northwest corner of said tract; thence leaving the westerly line of said tract, N 64°58'40"E 321.47 feet to the point of beginning and containing 3203 square feet or 0.07 acre.

**ALAN DALE COBLE AND MARY JANE KING
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the southwest quarter of Section 10 T48N R12W, in Boone County, Missouri, being part of the tract described by a survey recorded in book 312 page 593 and further described as follows:

Starting at the northeast corner of the tract described by a survey recorded in book 312 page 593, thence S 0°57'00"W, along the easterly line thereof, 10.12 feet to the point of beginning.

From the point of beginning, thence S 0°57'00"W, along the easterly line of the tract described by a survey recorded in book 312 page 593, a distance of 11.17 feet; thence leaving said line, S 64°27'30"W 472.05 feet to the easterly line of Lot 1 of St. Charles Place, recorded in plat book 27 page 79; thence N 4°18'30"W, along said line, 10.73 feet to the northeast corner of said Lot 1; thence leaving the line of said Lot 1, N 64°27'30"E 473.15 feet to the point of beginning and containing 4726 square feet or 0.11 acre.

**MISSOURI REAL ESTATE CHAMPIONS, LLC
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the southwest quarter of Section 10 T48N R12W, in Columbia, Boone County, Missouri, being part of Tract 1 of a survey recorded in book 1905 page 53 and further described as follows:

Beginning at the center of Section 10-48-12, also being the northeast corner of Tract 1 of a survey recorded in book 1905 page 53, thence S 0°41'00"W, along the easterly line thereof, 10.00 feet; thence leaving said line, N 89°35'40"W 666.29 feet; thence S 89°33'50"W 410.66 feet; thence S 62°47'40"W 293.68 feet to the westerly line of said Tract 1; thence along said line, N 0°49'00"E 11.33 feet; thence leaving said line, N 62°47'40"E 290.74 feet to the northerly line of said Tract 1; thence along said line, N 89°33'50"E 413.11 feet; thence S 89°35'40"E 666.41 feet to the point of beginning and containing 13,704 square feet or 0.31 acre.

**FRANK FLOYD
UTILITY EASEMENT**

A strip of land, ten (10) feet wide, located in the northeast quarter of Section 10 T48N R12W, in Boone County, Missouri, being the southerly ten (10) feet of Tract "A" of a survey recorded in book 601 page 303, containing 2428 square feet or 0.06 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