

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 280-20

AN ORDINANCE

declaring the need to acquire easements for the replacement of a sanitary sewer under Providence Road, south of Nifong Boulevard; 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 July 6, 2020, the City Council determined it was in the public interest to construct approximately 390 linear feet of gravity sanitary sewer pipe and two (2) sanitary sewer structures under Providence Road, south of Nifong Boulevard, 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 replacement of a sanitary sewer under Providence Road, south of Nifong Boulevard, described as follows:

BOONE INVESTMENTS, L.L.C.
PARCEL ID: 16-911-00-09-001.00 01
TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI,

BEING A PART OF THE LOT FIFTY-THREE (53) OF THE ADMINISTRATIVE SUBDIVISION REPLAT OF LOT 43 AND LOT 48 OF THE ADMINISTRATIVE SUBDIVISION REPLAT OF ROCKBRIDGE SUBDIVISION IN COLUMBIA, BOONE COUNTY, MISSOURI AS RECORDED IN PLAT BOOK 29, PAGE 97, AND DESCRIBED BY THE TRUSTEE'S SPECIAL WARRANTY DEED RECORDED IN BOOK 4862, PAGE 100, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT (53), SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH PROVIDENCE ROAD; THENCE WITH THE NORTH LINE OF SAID LOT (53), N88°49'14"W, 16.00 FEET TO THE WEST LINE OF AN EXISTING 16-FOOT (PLATTED) UTILITY EASEMENT; THENCE LEAVING SAID NORTH LINE OF LOT (53) AND WITH SAID WEST LINE OF AN EXISTING 16-FOOT UTILITY EASEMENT, S1°10'46"W, 36.09 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID WEST LINE, S1°10'46"W, 33.33 FEET; THENCE LEAVING SAID WEST LINE, N88°49'14"W, 11.71 FEET; THENCE N1°04'18"E, 33.35 FEET; THENCE S88°43'33"E, 11.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 391 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

SUM R HOME, LLC

PARCEL ID: 16-912-00-12-001.00 01

PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT ONE (1) ORSCHELN F&H, PLAT No. 1 AS RECORDED IN PLAT BOOK 45, PAGE 32, AND DESCRIBED BY THE LLC SPECIAL WARRANTY DEED RECORDED IN BOOK 4469, PAGE 91, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT (1), SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH PROVIDENCE ROAD; THENCE WITH THE NORTH LINE OF SAID LOT (1), S88°26'10"E, 10.00 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID NORTH LINE OF LOT (1), S88°26'10"E, 15.40 FEET; THENCE LEAVING SAID NORTH LINE, S19°28'10"W, 17.71 FEET; THENCE S1°42'35"W, 10.61 FEET; THENCE S76°38'27"W, 10.36 FEET TO THE EASTERLY LINE OF AN EXISTING 10.00-FOOT (PLATTED)

UTILITY EASEMENT; THENCE WITH SAID EASTERLY LINE, N1°42'35"E, 30.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 333 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

SUM R HOME, LLC

PARCEL ID: 16-912-00-12-001.00 01

TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT ONE (1) ORSCHELN F&H, PLAT No. 1 AS RECORDED IN PLAT BOOK 45, PAGE 32, AND DESCRIBED BY THE LLC SPECIAL WARRANTY DEED RECORDED IN BOOK 4469, PAGE 91, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT (1), SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH PROVIDENCE ROAD; THENCE WITH THE NORTH LINE OF SAID LOT (1), S88°26'10"E, 25.40 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH SAID NORTH LINE, S88°26'10"E, 55.46 FEET; THENCE LEAVING SAID NORTH LINE, S0°00'00"E, 29.31 FEET; THENCE N90°00'00"W, 37.46 FEET; THENCE S55°09'32"W, 14.22 FEET; THENCE S89°53'09"W, 22.89 FEET TO THE EASTERLY LINE OF AN EXISTING 10.00-FOOT (PLATTED) UTILITY EASEMENT; THENCE WITH SAID EASTERLY LINE, N1°42'35"E, 9.30 FEET; THENCE LEAVING SAID EASTERLY LINE, N76°38'27"E, 10.36 FEET; THENCE N1°42'35"E, 10.61 FEET; THENCE N19°28'10"E, 17.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,059 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

SUM R HOME, LLC

PARCEL ID: 16-912-00-12-001.00 01

TEMPORARY ACCESS EASEMENT

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING A PART OF THE LOT ONE (1) ORSCHELN F&H, PLAT No. 1 AS RECORDED IN PLAT BOOK 45, PAGE 32, AND DESCRIBED BY THE LLC SPECIAL WARRANTY DEED

RECORDED IN BOOK 4469, PAGE 91, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT (1), SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH PROVIDENCE ROAD; THENCE WITH THE NORTH LINE OF SAID LOT (1), S88°26'10"E, 80.86 FEET; THENCE LEAVING SAID NORTH LINE, S0°00'00"E, 11.48 FEET TO THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING, N89°34'52"E, 91.93 FEET; THENCE S0°00'00"E, 20.30 FEET; THENCE S6°34'54"W, 92.52 FEET; THENCE S32°55'02"E, 52.55 FEET; THENCE S19°39'54"E, 29.53 FEET TO THE NORTHERLY LINE OF AN EXISTING 10.00-FOOT (PLATTED) UTILITY EASEMENT; THENCE WITH SAID NORTHERLY LINE, N83°58'54"W, 22.19 FEET; THENCE LEAVING SAID NORTHERLY LINE, N19°39'54"W, 16.06 FEET; THENCE N31°38'32"W, 63.70 FEET; THENCE N6°34'54"E, 94.37 FEET; THENCE N89°49'37"W, 69.74 FEET; THENCE N0°00'00"W, 17.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 5,378 SQUARE FEET.

(BEARINGS WRITTEN HEREIN ARE BASED UPON GRID NORTH OF THE MISSOURI STATE PLANE COORDINATE SYSTEM, NAD-83, CENTRAL ZONE, AS GATHERED BY GPS OBSERVATION).

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 _____, 2020.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor