

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 102-23

AN ORDINANCE

declaring the need to acquire easements for construction of the Sunset Lane Private Common Collector Elimination (PCCE) #29 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 November 7, 2022, the City Council determined it was in the public interest to construct the Sunset Lane Private Common Collector Elimination (PCCE) #29 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 easements for construction of the Sunset Lane Private Common Collector Elimination (PCCE) #29 sanitary sewer improvement project, described as follows:

**ROBERT D. FORSEE AND BRENDA M. FORSEE
CO-TRUSTEES OF THE ROBERT-BRENDA FORSEE TRUST
PARCEL ID # 16-606-00-04-015.00 01
TEMPORARY CONSTRUCTION EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI,

BEING PART OF LOTS 9, 10, AND 11 OF A.J. ESTES SUBDIVISION OF LOTS 147 & 148 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 3, PAGE 15 AND BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3015, PAGE 149 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 9 OF SAID SUBDIVISION; THENCE WITH THE EAST LINE OF SAID LOT 9 S0°44'09"W, 3.44 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING CONTINUING WITH SAID LOT LINE S0°44'09"W, 25.49 FEET; THENCE LEAVING SAID LOT LINE N83°17'43"W, 155.82 FEET TO THE WEST LINE OF SAID LOT 11; THENCE WITH SAID WEST LINE N0°44'09"E, 25.14 FEET; THENCE LEAVING SAID WEST LOT LINE S83°17'43"E, 152.40 FEET; THENCE S89°15'51"E, 3.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 3,896 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).

**ROBERT D. FORSEE AND BRENDA M. FORSEE
CO-TRUSTEES OF THE ROBERT-BRENDA FORSEE TRUST
PARCEL ID # 16-606-00-04-015.00 01
PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF A.J. ESTES SUBDIVISION OF LOTS 147 & 148 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 3, PAGE 15 AND BEING PART OF THE TRACT DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3015, PAGE 149 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 9 OF SAID SUBDIVISION THENCE WITH THE EAST LOT LINE S0°44'09"W, 3.44 FEET; THENCE LEAVING SAID EAST LOT LINE N89°15'51"W, 3.40 FEET, THENCE N83°17'43"W, 152.40 FEET TO THE WEST LINE OF ORIGINAL LOT 11; THENCE WITH SAID WEST LINE N0°44'09"E, 5.42 FEET TO THE NORTH LOT LINE; THENCE WITH THE NORTH LINE OF LOTS 11 AND 10 AND 9 S82°42'16"E, 155.99 FEET TO THE POINT OF BEGINNING AND CONTAINING 713 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).

REBECCA L. HOCKS
PARCEL ID #16-606-00-02-015.00 01
TEMPORARY CONSTRUCTION EASEMENT #1

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 146 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 1, PAGE 39 AND BEING PART OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 3601, PAGE 60 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST BROADWAY, SAID POINT BEING THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED; THENCE WITH THE WEST LINE OF SAID DEED S00°44'09"W, 111.27 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING LEAVING SAID WEST LINE S89°15'51"E, 49.67 FEET TO THE EAST LINE OF SAID DEED; THENCE WITH SAID EAST LINE S0°44'09"W, 35.00 FEET; THENCE LEAVING SAID EAST LINE N89°15'51"W, 49.67 FEET TO THE WEST LINE OF SAID DEED; THENCE WITH SAID WEST LINE N0°44'09"E, 35.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,738 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).

REBECCA L. HOCKS
PARCEL ID #16-606-00-02-015.00 01
TEMPORARY CONSTRUCTION EASEMENT #2

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 146 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 1, PAGE 39 AND BEING PART OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 3601, PAGE 60 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST BROADWAY, SAID POINT BEING THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED; THENCE WITH THE WEST LINE OF SAID DEED S00°44'09"W, 162.27 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING LEAVING SAID WEST LINE S89°15'51"E, 49.67 FEET TO THE EAST LINE OF SAID DEED; THENCE WITH THE LINES OF SAID DEED S0°44'09"W, 161.06 FEET; THENCE N82°44'26"W, 49.99 FEET; THENCE N0°44'09"E, 155.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 7,859 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).

REBECCA L. HOCKS

PARCEL ID #16-606-00-02-015.00 01

TEMPORARY ACCESS EASEMENT

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 146 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 1, PAGE 39 AND BEING PART OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 3601, PAGE 60 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST BROADWAY, SAID POINT BEING THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED; THENCE WITH THE SOUTH RIGHT-OF-WAY LINE OF WEST BROADWAY S82°40'07"E, 13.83 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE S7°43'29"W, 50.68 FEET; THENCE S1°12'59"W, 43.75 FEET THENCE S13°07'46"E, 16.09 FEET; THENCE N89°15'51"W, 11.06 FEET TO THE WEST LINE OF SAID DEED; THENCE WITH SAID WEST LINE N0°44'09"E, 111.27 FEET; TO THE POINT OF BEGINNING AND CONTAINING 1,012 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).

REBECCA L. HOCKS

PARCEL ID #16-606-00-02-015.00 01

PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING PART OF LOTS 146 OF WESTWOOD ADDITION RECORDED IN PLAT BOOK 1, PAGE 39 AND BEING PART OF THE TRACT DESCRIBED BY THE QUIT CLAIM DEED RECORDED IN BOOK 3601, PAGE 60 OF THE RECORDS OF BOONE COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST BROADWAY, SAID POINT BEING THE NORTHWEST CORNER OF THE TRACT DESCRIBED BY SAID DEED; THENCE WITH THE WEST LINE OF SAID DEED S00°44'09"W, 146.27 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING LEAVING SAID WEST LINE S89°15'51"E, 49.67 FEET TO THE EAST LINE OF SAID

DEED; THENCE WITH SAID EAST LINE S0°44'09"W, 16.00 FEET; THENCE LEAVING SAID EAST LINE N89°15'51"W, 49.67 FEET TO THE WEST LINE OF SAID DEED; THENCE WITH SAID WEST LINE N0°44'09"E, 16.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 795 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 _____, 2023.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor