

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 143-15

Department Source: Public Works

To: City Council

From: City Manager & Staff

Council Meeting Date: 6/1/2015

Re: Easement Acquisition for Sewer District 170 Project (S. Bethel Church Road/E. Poplar Hill Drive)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Location and Easement Diagram

Executive Summary

A public hearing for the Sewer District 170 project was held on November 18, 2013 at which time Council directed staff to proceed with the project. Council passed Ordinance No. 21999 on March 17, 2014 authorizing the acquisition of necessary easements for the construction of this project. One of those easements has been revised due to the necessity of moving the sewer farther away from a water line.

Discussion

On March 17, 2014, Council passed Ordinance No. 21999 authorizing the acquisition of eleven (11) permanent sanitary sewer easements, ten (10) temporary construction easements, and one (1) temporary access easement for the construction of approximately 2,200 feet of 8-inch sanitary sewer which will extend public sewer to the ten (10) properties located within the sewer district. Since then, the sewer was realigned to move it farther away from an existing water line; this required the easement description be revised for one property within the Sanitary Sewer District 170 project.

Fiscal Impact

Short-Term Impact: The Sewer District 170 estimated cost is \$302,240, and funding will come from the Sewer Utility, tax bills, and deferred tax bills levied against the properties within the sewer district.

Long-Term Impact: The completed project will add approximately \$2,100 in annual maintenance costs for the Sewer Utility.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Community Facilities and Services

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Infrastructure

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Suggested Council Action

Authorizing the acquisition of revised easement necessary for the construction of the Sanitary Sewer District 170 project.

Legislative History

3/17/14 (Ord 21999) - Acquire easements for construction of sanitary sewers in Sewer District No. 170 (S. Bethel Church Road/E. Poplar Hill Drive)

10/21/13 (R209-13) - Setting a Public Hearing for November 18, 2013 for construction of sanitary sewers in Sewer District No. 170

8/19/13 (Ord 21772) - Establishing Sanitary Sewer District No. 170


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 143-15

AN ORDINANCE

amending Ordinance No. 021999 as it relates to the acquisition of easements for construction of sanitary sewers in Sewer District No. 170 (S. Bethel Church Road/E. Poplar Hill Drive); authorizing the acquisition of a revised permanent sewer easement for the property owned by LAHF Investments, LLC; 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, Ordinance No. 021999 passed on March 17, 2014 authorized the acquisition of easements for construction of sanitary sewers in Sewer District No. 170 (S. Bethel Church Road/E. Poplar Hill Drive), and

WHEREAS, due to the realignment of the sanitary sewer, the permanent sewer easement for the property owned by LAHF Investments, LLC within the Sewer District No. 170 project needs to be revised; and

WHEREAS, the City Council wishes to correct this situation by deleting the incorrect description from Ordinance No. 021999 and authorizing the acquisition of a new permanent sewer easement against the property intended to be acquired; and

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, 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. Section 1 of Ordinance No. 021999 is amended by deleting the easement description beginning on page 5 and continuing on page 6 of the ordinance that

acquired a permanent sewer easement from LAHF Investments LLC (Parcel: 20-306-02-01-009.00 01).

SECTION 2. The City Council hereby declares the need to acquire an easement for construction of sanitary sewers in Sewer District No. 170 (S. Bethel Church Road/E. Poplar Hill Drive), described as follows:

**LAHF INVESTMENTS LLC
PERMANENT SEWER EASEMENT
PARCEL: 20-306-02-01-009.00**

A STRIP OF LAND LOCATED IN SECTION 2, TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI AND BEING PART OF THE TRACT DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 3780, PAGE 104, AND BEING PART OF LOT 4 OF WALNUT BROOK SUBDIVISION, RECORDED IN PLAT BOOK 10, PAGE 147, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE FROM THE POINT OF BEGINNING, AND WITH THE SOUTH LINE OF SAID LOT 4, SAID STRIP BEING 11.00 FEET WIDE AND LYING RIGHT OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE, N 89°43'55"W, 175.10 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4 AND THE END OF THIS DESCRIBED LINE.

SECTION 3. The City Manager is authorized to acquire the land described in Section 2 by negotiation.

SECTION 4. The City Manager is authorized to obtain, execute and record all deeds and other instruments necessary to acquire the land described in Section 2.

SECTION 5. If the City cannot agree with the owners, or those claiming an interest in the land described in Section 2, 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 2 by condemnation.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Location and Easement Diagram



LAHF INVESTMENTS LLC &
ANTHONY D & BETH SLOAN

20-306-02-01-009 00 01

11'

Permanent Sanitary Sewer Easement

S. BETHEL LN

32' ASPH W/ CURB AND GUTTER AND 50' RW

S. BETHEL CHURCH RD.
20' ASPHALT



City of Columbia, Missouri
Department of Public Works

LAHF Investments
Easement Sketch

Scale: 1"=20'

Dwn: T.E.W

Date: 11/21/14