Introduced by		_
First Reading	Second Reading	
Ordinance No.	Council Bill No.	B 284-12

AN ORDINANCE

proposing an amendment to the Home Rule Charter for the City of Columbia, Missouri pertaining to the use of eminent domain for economic development; calling a special election to be held on April 2, 2013 on the proposed charter amendment; directing notification of the election authority; describing the form of the notice of election; directing publication of notice; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council proposes that the Home Rule Charter for the City of Columbia, Missouri be amended by adding the following new section:

Section 167. Use of Eminent Domain for Economic Development

The city shall not exercise the power of eminent domain to acquire property for economic development purposes unless the council first determines that each parcel of property to be acquired is blighted property.

As used in this section, "acquire property for economic development purposes" means the acquisition of property with the intent that the property will ultimately be transferred to another person or entity to be used for private purposes.

As used in this section, "blighted property" means a parcel of land that meets the following requirements:

- (a) The parcel of land contains a structure that has been found to be a public nuisance following an administrative hearing; and
- (b) The owner or owners of the structure has failed to abate the nuisance within a reasonable period of time following the administrative hearing; and
- (c) The cost to abate the nuisance exceeds fifty percent (50%) of the market value of the structure (excluding the land value) according to the most recent records of the county assessor.

SECTION 2. The proposed Charter amendment set forth above shall become effective and part of the Home Rule Charter upon its approval by a majority of the qualified electors voting thereon.

SECTION 3. A special election is hereby ordered to be held in the City of Columbia, Missouri, on Tuesday April 2, 2013, on the following question:

PROPOSITION 1

Shall the Columbia Home Rule Charter be amended to add a section that would prohibit the City from using eminent domain to acquire property for economic development unless the property is blighted?

"Acquire property for economic development" refers to the acquisition of property for transfer to another person to use for private purposes.

Property is "blighted" if: (1) it contains a structure found to be a public nuisance after an administrative hearing; (2) the owner has not abated the nuisance within a reasonable time after the hearing; and (3) abatement costs exceed fifty percent (50%) of the market value of the structure.

SECTION 4. The City Clerk is hereby authorized and directed to notify the Clerk of the County Commission of Boone County, Missouri, of the adoption of this ordinance no later than 5 o'clock p.m. on January 22, 2013, and to include in the notification all of the terms and provisions required by Chapter 115, RSMo. as amended.

SECTION 5 The form of the notice of election shall be substantially as set forth on "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 6. The City Clerk is authorized and directed to publish notice that the text of the proposed Charter amendment is available for inspection and copying in the office of the City Clerk. This notice shall be published at least one time, at least one week before the election, in a daily newspaper in general circulation in the City of Columbia, Missouri.

SECTION 7. This ordinance shall be in full force and effect from and after its passage.

PASSED this	day of	, 2012
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ATTEST:	
City Clerk	Mayor and Presiding Officer
APPROVED AS TO FORM:	
City Counselor	

NOTICE OF SPECIAL ELECTION City of Columbia, Missouri

Notice is hereby given to the qualified voters of the City of Columbia, Missouri, that the City Council of the City has called an election to be held in the City on Tuesday, April 2, 2013, commencing at six o'clock a.m. and closing at seven o'clock p.m., on the question contained in the following sample ballot:

OFFICIAL BALLOT Special Election City of Columbia, Missouri Tuesday, April 2, 2013

PROPOSITION 1

Shall the Columbia Home Rule Charter be amended to add a section that would prohibit the City from using eminent domain to acquire property for economic development unless the property is blighted?

"Acquire property for economic development" refers to the acquisition of property for transfer to another person to use for private purposes.

Property is "blighted" if: (1) it contains a structure found to be a public nuisance after an administrative hearing; (2) the owner has not abated the nuisance within a reasonable time after the hearing; and (3) abatement costs exceed fifty percent (50%) of the market value of the structure.

			YES
			NO
•	•		ace an "X" in the box opposite "Yes." If you are in the box opposite "No."
The election will	be held at the follo	owing	g polling places in the City:
	[polling places	to b	e added by election authority]
Dated this	day of		, 2013.
			Wendy Noren Clerk of the County Commission



Source: Law

To: <u>City Council</u> From: <u>City Manager and Staff</u>

Council Meeting Date: Oct 1, 2012

Agenda Item No:

Re:

Charter Amendment on Use of Eminent Domain for Economic Development

EXECUTIVE SUMMARY:

As directed by Council, an ordinance has been prepared that would place on the April 2, 2013 ballot a Charter amendment that would prohibit the City from using the power of eminent domain to acquire property for economic development unless the property is blighted.

DISCUSSION:

The proposed Charter amendment would establish a new section of the City Charter that would prohibit the City from exercising the power of eminent domain to acquire property for economic development unless the Council first determines that each parcel of property to be acquired is blighted property.

The new section would define "acquire property for economic purposes" as the acquisition of property with the intent that the property will ultimately be transferred to another person or entity to be used for private purposes.

The new section would define "blighted property" as a parcel of land that meets the following requirements:

- (1) The parcel of land contains a structure that has been found to be a public nuisance following an administrative hearing; and
- (2) The owner of the structure has failed to abate the nuisance within a reasonable period of time following the administrative hearing; and
- (3) The cost to abate the nuisance exceeds fifty percent (50%) of the market value of the structure (excluding the land value) according to the most recent records of the county assessor.

The proposed charter amendment would take effect if approved by a simple majority of those voting on the proposition at the April 2, 2013 election.

FISCAL IMPACT:

There would be a slight increase in the cost of the April election for printing the ballot and election notice. Fiscal impact of adopting the Charter amendment is unknown.

VISION IMPACT:

http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php

None.

SUGGESTED COUNCIL ACTIONS:

If the Council wishes to place the proposed Charter amendment on the April ballot, the ordinance should be passed.

FISCAL and VISION NOTES:						
City Fiscal Impact Enter all that apply		Program Impact		Mandates		
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No	
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact		
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	Yes Enter all that apply: Refer to Web site			
Estimated 2 yea	Estimated 2 year net costs: Resources Required		ıvired	Vision Impact?	No	
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #		
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	3	
		Requires add'l capital equipment?	No	Fiscal year implementation Task #		