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ORDINANCE NO. 49-187

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF THE I-235 FLOODWAY CROSSING/13TH STREET INTERCHANGE PROJECT IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for the development of infrastructure associated with the construction of the I-235 floodway crossing/13th Street interchange project in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

Commencing from the Northwest corner of the Northeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South, along the West line of said Quarter, a distance of 50.00 feet to the point of beginning; thence continuing South, along said West line, a distance of 190.00 feet; thence East, parallel with the North line of said Quarter, a distance of 745.00 feet; thence North, parallel with said West line, a distance of 190.00 feet to a point 50 feet South of said North line; thence West, parallel with said North line, a distance of 745.00 feet to the point of beginning, containing 3.250 acres (141,550.00 sq. ft.), more or less and

Beginning at the Northwest corner of Lot 1, Ray Allen Addition to Wichita, Sedgwick County, Kansas; FIRST COURSE, thence East, along the North line of said Lot 1, a

distance of 15.86 feet; SECOND COURSE, thence Southwesterly for a distance of 143.40 feet to a point on the West line of said Lot 1; THIRD COURSE, thence Northerly, along said West line, a distance of 141.86 feet to the point of beginning, containing 0.028 acres (1,210.56 sq. ft.), more or less. Together with all right of access to and from the abutting public roadway over and across said "SECOND COURSE" and

A tract of land as recorded in the Sedgwick County Register of Deeds Office on DOC.#/FLM-PG: 28607655 described as: Beginning at the most Northerly corner of Lot 1, Block 1, Miles Lakewood Living, an Addition to Wichita, Sedgwick County, Kansas; thence Southwest along the Westerly line of said Lot 1, 410.77 feet to a point on a curve; thence Southeast along said curve 36.64 feet; thence Southeast 42.07 feet to a point on a curve; thence Northeasterly along said curve 65.41 feet to the Easterly line of said Lot 1; thence Northeasterly 269.32 feet; thence North 100.75 feet to the point of beginning, containing 0.703 acres (30,634.75 sq. ft.), more or less.

Permanent easements for right of way, public utilities and related uses in and to the following-described tracts, to-wit:

The West 15 feet of the East 50 feet of the South 150 feet of the Northeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, containing 0.052 acres (2,250.01 sq. ft.), more or less and

The East 15 feet of Lot 1, Ray Allen Addition to Wichita, Sedgwick County, Kansas, containing 0.086 acres (3,750.02 sq. ft.), more or less and

That part of the Southeast Quarter of the Northeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, lying East of Interstate Highway 235 as condemned in Case No. A-77197 and lying North of Ray Allen Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part described as Commencing from the Northwest corner of Lot 1 of said Ray Allen Addition; thence East, along the North line of said Lot 1, a distance of 15.86 feet to the point of beginning; FIRST COURSE, thence continuing East, along said North line, a distance of 173.29 feet to a point 60 feet West of the East line of said Northeast Quarter; SECOND COURSE, thence North, parallel with said East line, a distance of 423.11 feet; THIRD COURSE, thence Southwesterly for a distance of 457.29 feet to the point of beginning, containing 1.871 acres (81,517.18 sq. ft.), more or less, exclusive of existing road rights of way of record. Together with all right of access to and from the abutting public roadway over and across said "THIRD COURSE" and

Beginning at the Southwest corner of Lot 12, R. A. Morris Tracts to Wichita, Sedgwick County, Kansas; thence on an assumed bearing of N 89°45'18"E, along the South line of said Lot 12, a distance of 30.07 feet to the P.C. of a non-tangent curve to the right; thence along said curve, having a chord bearing N 05°17'27"E, a chord distance of 200.78 feet, a radius of 2,790.00 feet, through a central angle of 4°07'27" for a distance of 200.82 feet to a point on the North line of the South 200 feet of said Lot 12; thence S 89°45'18"W, along said North line, a distance of 50.00 feet to the Northwest corner of said South 200 feet of Lot 12; thence South, along the West line of said Lot 12, a distance of 200.00 feet to the point of beginning, containing 0.185 acres (8,076.81 sq. ft.), more or less and

That part of Lot 11 and Lot 12, R. A. Morris Tracts to Wichita, Sedgwick County, Kansas, described as beginning at the Northwest corner of said Lot 11; thence on an assumed bearing of N 89°45'18"E, along the North line of said Lot 11, a distance of 114.58 feet; thence S 10°27'18"W for a distance of 264.97 feet to the P.C. of a curve to the left; thence along said curve, having a chord bearing S 9°43'54"W, a chord distance of 70.71 feet, a radius of 2,800.00 feet, through a central angle of 1°26'49" for a distance of 70.71 feet; thence S 2°28'39" W for a distance of 105.12 feet to a point on the North line of the South 200 feet of said Lot 12; thence S 89°45'18"W, along said North line, a distance of 50.00 feet to the Northwest corner of said South 200 feet of Lot 12; thence North, along the West line of said Lot 12 and Lot 11, a distance of 435.00 feet to the point of beginning, containing .764 acres (33,264.73 sq. ft.), more or less and

Lot 1, Heartland Baptist Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part described as beginning at the Northeast corner of said Lot 1; thence S 00°00'12"E, along the East line of said Lot 1, a distance of 660.00 feet to the Southeast corner of said Lot 1; thence S 89°45'18"W, along the South line of said Lot 1, a distance of 350.42 feet; thence N 10°27'18"E for a distance of 114.64 feet to the P.C. of a curve to the right; thence along said curve, having a radius of 1,150.00 feet, through a central angle of 25°17'59" for a distance of 507.80 feet to a point on the West line of said Lot 1, said point being the P.C. of a non-tangent curve to the right; thence along said West line and along said curve, having a chord bearing N 39° 37' 42" E, a chord distance of 110.65 feet, a radius of 2,694.93 feet, through a central angle of 2° 21' 09" for a distance of 110.65 feet to the Northwest corner of said Lot 1; thence N 89°45'18"E, along said North line, a distance of 61.35 feet to the point of beginning, containing .691 acres (30,110.97 sq. ft.), more or less.

Temporary construction easements for driveway, drainage and road construction in and to the following-described tracts, to-wit:

Commencing from the Southeast corner of the Northeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence North, along the East line of said Quarter, a distance of 56.97 feet; thence West, perpendicular to said East line, a distance of 50 feet to the point of beginning; thence continuing West, perpendicular to said East line, a distance of 5 feet; thence North, parallel with said East line, a distance of 30 feet; thence East, perpendicular to said East line, a distance of 5 feet; thence South, parallel with said East line, a distance of 30 feet to the point of beginning, containing 0.003 acres (150.00 sq. ft.), more or less and

Commencing from the Southeast corner of Lot 1, Ray Allen Addition to Wichita, Sedgwick County, Kansas; thence North, along the East line of said Lot 1, a distance of 51.86 feet; thence West, perpendicular to said East line, a distance of 15 feet to the point of beginning; thence continuing West, perpendicular to said East line, a distance of 5 feet; thence North, parallel with said East line, a distance of 30 feet; thence East, perpendicular to said East line, a distance of 5 feet; thence South, parallel with said East line, a distance of 30 feet to the point of beginning, containing 0.003 acres (150.00 sq. ft.), more or less and

Commencing from the Southeast corner of Lot 1, Ray Allen Addition to Wichita, Sedgwick County, Kansas; thence North, along the East line of said Lot 1, a distance of 121.86 feet; thence West, perpendicular to said East line, a distance of 15 feet to the point of beginning; thence continuing West, perpendicular to said East line, a distance

of 5 feet; thence North, parallel with said East line, a distance of 40 feet; thence East, perpendicular to said East line, a distance of 5 feet; thence South, parallel with said East line, a distance of 40 feet to the point of beginning, containing 0.005 acres (200.00 sq. ft.), more or less and

Commencing from the Southeast corner of Lot 1, Ray Allen Addition to Wichita, Sedgwick County, Kansas; thence North, along the East line of said Lot 1, a distance of 216.86 feet; thence West, perpendicular to said East line, a distance of 15 feet to the point of beginning; thence continuing West, perpendicular to said East line, a distance of 5 feet; thence North, parallel with said East line, a distance of 25 feet; thence East, perpendicular to said East line, a distance of 5 feet; thence South, parallel with said East line, a distance of 25 feet to the point of beginning, containing 0.003 acres (125.00 sq. ft.), more or less and

Commencing from the Southeast corner of Lot 1, Heartland Baptist Addition to Wichita, Sedgwick County, Kansas; thence S 89°45'18"W, along the South line of said Lot 1, a distance of 350.42 feet; thence N 10°27'18"E for a distance of 114.64 feet to the P.C. of a curve to the right; thence along said curve, having a radius of 1,150 feet, through a central angle of 4° 28' 33" for a distance of 89.83 feet to the point of beginning; thence continuing along said curve to the right, having a radius of 1,150.00 feet, through a central angle of 2° 08' 55" for a distance of 43.13 feet; thence S 72° 55' 14" E for a distance of 5.00 feet to the P.C. of a non-tangent curve to the left; thence along said curve, having a chord bearing S 16° 00' 18" W, a chord distance of 42.94 feet, a radius of 1,145 .00 feet, through a central angle of 2° 08' 55" for a distance of 42.94 feet; thence N 75° 04' 09" W for a distance of 5.00 feet to the point of beginning, containing 0.005 acres (215.16 sq. ft.), more or less and

Beginning at the Southeast corner of Lot 1, Heartland Baptist Addition to Wichita, Sedgwick County, Kansas; thence S 89° 45' 18" W, along the South line of said Lot 1, a distance of 11.76 feet; thence N 47° 00' 00" W for a distance of 154.54 feet; thence N 58° 55' 36" W for a distance of 76.68 feet; thence N 31° 04' 24" E for a distance of 30.00 feet; thence S 58° 55' 36" E for a distance of 79.82 feet; thence S 47° 00' 00" E for a distance of 145.78 feet to a point on the East line of said Lot 1: thence S 00° 00' 12" E, along said East line a distance of 30.00 feet to the point of beginning, containing 0.161 acres (7,028.73 Sq. ft.) more or less and

Beginning at the Northeast corner of Lot 11, R. A. Morris Tracts to Wichita, Sedgwick County, Kansas; thence South, along the East line of said Lot 11, a distance of 30.00 feet; thence West, parallel with the North line of said Lot 11, 135.00 feet; thence North, parallel with said East line, a distance of 30.00 feet to a point on said North line; thence East, along said North line, a distance of 135 feet to the point of beginning, containing 0.093 acres (4,050.00 sq. ft.) more or less and

The South 15 feet of the East 145 feet of Lot 10, R. A. Morris Tracts to Wichita, Sedgwick County, Kansas, Except the East 10 feet thereof, containing .047 acres, (2,025.00 sq. ft.), more or less.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita.

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 24th day of, January 2012.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law