

PUBLISHED IN THE WICHITA EAGLE ON SEPTEMBER 13,
2013 707023

ORDINANCE NO. 49-566

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 IMPROVEMENT OF AMIDON AVENUE FROM 21ST STREET NORTH TO 29TH STREET NORTH 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 improvement of Amidon Avenue from 21st Street North to 29th Street North 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:

That part of Government Lot 2, Section 7, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning at a point 50.00 feet south and 70.00 feet east of the northwest corner of said Government Lot 2; thence east parallel with the north line of said Government Lot 2, 8.00 feet; thence southwesterly, 11.14 feet to a point 58.00 feet south and 70.00 east of said northwest corner; thence North parallel with the west line of said Government Lot 2, 8.00 feet to the place of beginning. (Tract 1) and

That part of the SW1/4 of Sec. 6, T27S, R1E of the 6th P.M., Sedgwick County, Kansas, described as beginning 40.00 feet west and 50.00 feet north of the southeast corner of said SW1/4; thence West, parallel with the south line of said SW1/4, 40.00 feet; thence northeasterly 41.64 feet to a point 30.00 feet north and 10.00 feet west of the place of beginning; thence North, parallel with the east line of said SW1/4, 100.07 feet to a point 130.00 feet north and 10.00 feet west of the place of beginning; thence East, parallel

with said south line, 10.00 feet; thence South, parallel with said east line, 130.00 feet to the place of beginning. (Tract 2) and

That part of Lots 12 and 13, Block 4, Riverlawn Heights, an Addition to Wichita, Sedgwick County, Kansas, described as beginning at the northeast corner of said Lot 12; thence South along the east lines of said Lots 12 and 13, 225.00 feet to the southeast corner of said Lot 13; thence West along the south line of said Lot 13 to a point 5.00 feet west of said east line; thence North, parallel with said east line, 195.00 feet to a point 30.00 feet south and 5.00 feet west of the place of beginning; thence northwesterly, 36.69 feet to a point on the north line of said Lot 12, said point being 25.00 feet west of the place of beginning; thence East along said north line, 25.00 feet to the place of beginning. (Tract 3) and

That part of Lot 32, Gilders Riverside, Sedgwick County, Kansas, described as beginning at the southwest corner of said Lot 32; thence North along the west line of said Lot 32, 20.00 feet; thence southeasterly, 36.64 feet to a point on the south line of said Lot 32, said point being 30.00 feet east of the place of beginning; thence West along said south line, 30.00 feet to the place of beginning. (Tract 6) and

That part of Lot 27, Gilders Riverside, Sedgwick County, Kansas, described as beginning at the southwest corner of said Lot 27; thence North along the west line of said Lot 27, 125.00 feet to the north line of the south 125.00 feet of said Lot 27; thence East along said north line, 5.00 feet; thence South, parallel with said west line, 115.00 feet to a point 10.00 feet north and 5.00 feet east of the place of beginning, thence southeasterly 11.20 feet to a point on the south line of said Lot 27, said point being 10.00 feet east of the place of beginning; thence West along said south line, 10.00 feet to the place of beginning. (Tract 8) and

The west 5.00 feet of Lot 27, Gilders Riverside, Sedgwick County, Kansas, EXCEPT the south 125.00 feet thereof. (Tract 9) and

The west 5.00 feet of Lot 26, Gilders Riverside, Sedgwick County, Kansas. (Tract 9) and

The west 5.00 feet of Lot 24, Gilders Riverside, Sedgwick County, Kansas, EXCEPT the north 67 feet. (Tract 11) and

The west 5.00 feet of the W1/2 of Lot 23, Gilders Riverside, Sedgwick County, Kansas. (Tract 13) and

The east 5.00 feet of Lot 72, Van Acres, Sedgwick County, Kansas. (Tract 18) and

The west 10.00 feet of Lot 11, EXCEPT the north 105.00 feet, TOGETHER WITH the west 10.00 feet of Lot 12, EXCEPT the south 140.00 feet, Gilders Court, Sedgwick County, Kansas. (Tract 21) and

That part of Tract 8, Russell Tracts, Sedgwick County, Kansas, described as follows: Beginning at a point 30.00 feet east and 175.683 feet north of the Southwest corner of said Tract 8; thence East, parallel with the south line of said Tract 8, a distance of 132.188 feet; thence North, parallel with the west line of said Tract 8, a distance of 73.217 feet; thence West, parallel with said south line, a distance of 132.188 feet to a

point 30.00 feet East of said West line; thence South, parallel with said west line, 73.217 feet to the point of beginning. (Tract 31)

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

The north 50.00 feet of the south 180.00 feet of the west 7.00 feet of the east 57.00 feet of the SW1/4 of Sec. 6, T27S, R1E of the 6th P.M., Sedgwick County, Kansas. (Tract 2) and

The south 32.00 feet of the north 35.00 feet of the west 7.00 feet of Lot 32, Gilders Riverside, Sedgwick County, Kansas. (Tract 6) and

The south 30.00 feet of the north 35.00 feet of the south 125.00 feet of the east 8.00 feet of the west 13.00 feet of Lot 27, Gilders Riverside, Sedgwick County, Kansas. (Tract 8) and

The north 40.00 feet of the south 56.00 feet of the east 8.00 feet of the west 13.00 feet of Lot 26, Gilders Riverside, Sedgwick County, Kansas. (Tract 9) and

The north 20.00 feet of the south 57.00 feet of the west 6.00 feet AND the south 20.00 feet of the west 6.00 feet of Lot 24, Gilders Riverside, Sedgwick County, Kansas. (Tract 11) and

The south 94.00 feet of the east 10.00 feet of the west 15.00 feet of the W1/2 of Lot 23, Gilders Riverside, Sedgwick County, Kansas. (Tract 13) and

The north 33.00 feet of the west 10.00 feet of the east 15.00 feet of Lot 72, Van Acres, Sedgwick County, Kansas. (Tract 18) and

The south 20.00 feet of the north 125.00 feet of the east 5.00 feet of the west 15.00 feet of Lot 11, Gilders Court, Sedgwick County, Kansas. (Tract 21) and

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 10th day of, September 2013.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law