

PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 24,
2014⁷⁰⁷⁰⁶⁰

ORDINANCE NO. 49-848

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 MERIDIAN AVENUE FROM MCCORMICK AVENUE TO PAWNEE AVENUE 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.

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 Meridian Avenue from McCormick Avenue to Pawnee Avenue 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:

A portion of Lot 91 on Meridian Avenue in Stiles & Smith's Addition to Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 91; thence east along the south line of said Lot 91 a distance of 10.00 feet to a point of the east line of Meridian Avenue per Condemnation Case #53077 for a Point of Beginning; thence continuing east along the south line of said Lot 91 a distance of 20.00 feet; thence northwesterly a distance of 28.20 feet to a point on the east line of Meridian Avenue per said Condemnation Case #53077; thence south along the east line of Meridian Avenue per said Condemnation Case #53077 a distance of 20.00 feet to the Point of Beginning (Containing 200.0 Sq. Ft., more or less) and

A portion of Lot 1 on Meridian Avenue in Garfield Park Addition to Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of said Lot 1; thence west along the north line of said Lot 1 a distance of 10.00 feet for a Point of Beginning;

thence continuing west along the north line of said Lot 1 a distance of 20.00 feet; thence southeasterly a distance of 28.32 feet to a point on the west line of Meridian Avenue per Condemnation Case #53868, said point being 20.00 feet south of the NW of said Condemnation Case #53868; thence north along the west line of Meridian Avenue per said Condemnation Case #53868 a distance of 20.00 feet to the Point of Beginning (Containing 200.0 Sq. Ft., more or less) and

All of Lots 27, 29, and 31, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas, EXCEPT the West 10' taken with Condemnation Case A-53868 (Containing 9750.0 Sq. Ft., more or less) and

The east 10.00 feet of the west 20.00 feet of Lots 33 and 35, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 500.1 Sq. Ft., more or less) and

The east 10.00 feet of the west 20.00 feet of Lots 43, 45, and 47, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 695.0 Sq. Ft., more or less) and

The east 10.00 feet of the west 20.00 feet of Lots 37, 39, and 41, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 750.0 Sq. Ft., more or less).

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

A portion of Lot 91 on Meridian Avenue in Stiles & Smith's Addition to Wichita, Sedgwick County, Kansas described as commencing at the southwest corner of said Lot 91; thence east along the south line of said Lot 91 a distance of 10.00 feet to a point of the east line of Meridian Avenue per Condemnation Case #53077; thence continuing east along the south line of said Lot 91 a distance of 20.00 feet for a Point of Beginning; thence continuing east along the south line of said Lot 91 a distance of 90.00 feet to the southeast corner of said Lot 91; thence north along the east line of said Lot 91 a distance of 5.00 feet; thence west parallel with the south line of said Lot 91 a distance of 87.95 feet; thence northwesterly a distance of 24.05 feet to a point 5.00 normally distant east of the east line of Meridian Avenue per said Condemnation Case #53077, said point being 22.05 feet normally distant north of the south line of said Lot 91; thence north parallel with the west line of said Lot 91 a distance of 2.99 feet to a point on the north line of said Lot 91; thence west along the north line of said Lot 91 a distance of 5.00' to a point on the east line of Meridian Avenue per said Condemnation Case #53077; thence south along the east line of Meridian Avenue per said Condemnation Case #53077 a distance of 5.00 feet; thence southeasterly a distance of 28.20 feet to the Point of Beginning (Containing 595.4 Sq. Ft., more or less) and

A portion of Lots 1 & 3 on Meridian Avenue in Garfield Park Addition to Wichita, Sedgwick County, Kansas described as commencing at the northeast corner of said Lot 1; thence west along the north line of said Lot 1 a distance of 30.00 feet for a Point of Beginning; thence continuing west along the north line of said Lot 1 a distance of 70.00 feet; thence south a distance of 5.00 feet to a point 90.00 feet normally distant west of the west line of Meridian Avenue per Condemnation Case #53868; thence east parallel with the north line of said Lot 1 a distance of 67.93 feet; thence southeasterly a distance

of 24.18 feet to a point 5.00 feet normally distant west of the west line of Meridian Avenue per Condemnation Case #53868, said point being 22.08 feet south of the north line of said Lot 1; thence south parallel with the west line of Meridian Avenue per Condemnation Case #53868 a distance of 27.97 feet to a point on the south line of said Lot 3; thence east along the south line of said Lot 3 a distance of 5.00 to a point on the west line of Meridian Avenue per Condemnation Case #53868; thence north along the west line of Meridian Avenue per said Condemnation Case #53868 a distance of 30.00 feet; thence northwesterly a distance of 28.32 feet to the Point of Beginning (Containing 621.1 Sq. Ft., more or less) and

The east 5.00 feet of the west 25.00 feet of Lots 33 and 35, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 250.0 Sq. Ft., more or less) and

The east 5.00 feet of the west 25.00 feet of Lots 43, 45, and 47, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 347.5 Sq. Ft., more or less) and

The east 5.00 feet of the west 25.00 feet of Lots 37, 39, and 41, Block P, South University Place Addition, an addition to Wichita, Sedgwick County, Kansas (Containing 375.0 Sq. Ft., more or less)

Said easements will be for a term of three years or 60 days after project completion, whichever is earlier. Access shall be available to the subject properties throughout the easement term.

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 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 21st day of, October 2014.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Sharon L. Dickgrafe, Interim Director of Law