

PUBLISHED IN THE WICHITA EAGLE ON OCTOBER 19, 2006

ORDINANCE NO. 47-138.

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 AND IMPROVEMENT OF THE TRAFFIC INTERSECTION AT NORTH OLIVER AND EAST CENTRAL IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LAND 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 LAND 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 improvement of the traffic intersection of North Oliver and East Central in the City of Wichita, Sedgwick County, Kansas, the land and easements hereinafter described in Section 2.

SECTION 2. That the description of the land 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 tract, to-wit:

BEGINNING AT THE NORTHEAST CORNER OF LOT 2 ON OLIVER AVENUE, EAST LAWN SECOND ADDITION TO WICHITA, KANSAS; THENCE S00°56'58"E, 36.69 FEET ALONG THE EAST LINE OF SAID LOT 2 AND THE EAST LINE OF LOT 4 ON OLIVER AVENUE, SAID ADDITION; THENCE N30°13'47"W, 42.02 FEET TO A POINT LYING ON THE NORTH LINE OF SAID LOT 2; THENCE N88°56'12"E, 20.55 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

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 land 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 17th day of October, 2006.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law