

ORDINANCE NO. 48-403

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 WICHITA-VALLEY CENTER FLOOD CONTROL LEVEE CERTIFICATION AND REHABILITATION 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 certification and rehabilitation of the Wichita-Valley Center Flood Control Levee system 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 permanent easement for floodway right of way over a tract of land lying in a portion of Lot 9, Block B, Orchard View Addition, Sedgwick County, Kansas, said tract being further described as follows:

The east 15 feet of Lot 9, Block B, Orchard View Addition, Sedgwick County, Kansas
and

A permanent easement for floodway right of way over a tract of land lying in a portion of Lot 10, Block B, Orchard View Addition, Sedgwick County, Kansas, said tract being further described as follows:

The east 15 feet of Lot 10, Block B, Orchard View Addition, Sedgwick County, Kansas
and

A permanent easement for floodway right of way over a tract of land lying in a portion of the Southeast Quarter of the Northwest Quarter and a portion of the Northeast Quarter of the Southwest Quarter of Section 27, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter Section 27; thence along the north line of said Northwest Quarter on a Kansas coordinate system 1983 south zone bearing of N88°53'41"E, 1320.44 feet to the **POINT OF BEGINNING**; said point being the northwest corner of the Northeast Quarter of said Southwest Quarter; thence along the west line of said Southeast Quarter of the Northwest Quarter N01°09'33"W, 53.15 feet to the west line of existing Flood Control right of way as described in District Court Case A-48670; thence along the existing Flood Control right of way for the following six courses, 1) thence S72°23'46"E, 48.94 feet; 2) thence S49°46'01"E, 180.94 feet; 3) thence S35°39'05"E, 176.99 feet; 4) thence S20°58'21"E, 127.25 feet; 5) thence S14°45'14"E, 1018.14 feet; 6) thence N89°56'49"W, 44.02 feet; thence along the north line of Orchard View Addition an Addition to Sedgwick County, Kansas S88°59'49"W, 15.43 feet; thence N14°48'58"W, 1185.75 feet; thence N51°53'26"W, 291.08 feet to the **POINT OF BEGINNING** and

A permanent easement for floodway right of way over a tract of land lying in a portion of the Southwest Quarter of the Northwest Quarter of Section 27, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest corner of said Northwest Quarter Section 27; thence along the south line of said Northwest Quarter on a Kansas coordinate system 1983 south zone bearing of N88°53'41"E, 1255.35 feet to the **POINT OF BEGINNING**; thence N57°39'59"W, 598.56 feet to the north line of the south 10 acres of said Southwest Quarter; thence along said north line N88°53'41"E, 145.78 feet to the west line of existing Flood Control right of way as described in District Court Case 72947; thence along the existing Flood Control right of way, S57°39'59"E, 502.10 feet to the east line of said Southwest Quarter of Northwest Quarter: thence along said east line S01°09'33"E, 53.15 feet to the south line of said Northwest Quarter; thence along said south line S88°53'41"W, 65.34 feet, to the **POINT OF BEGINNING** and

A permanent easement for floodway right of way over a tract of land lying in a portion of the Southwest Quarter of the Northwest Quarter of Section 27, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest corner of the south 10 acres of said Northwest Quarter Section 27; thence along the north line of said south 10 acres, parallel with the south line of said Northwest Quarter on a Kansas coordinate system 1983 south zone bearing N88°53'41"E, 717.64 feet to the **POINT OF BEGINNING**; thence N01°59'09"W, 122.69 feet to the southwesterly line of existing Riverside Drainage District in deed at Film 567, Page 682; thence along the existing Riverside Drainage right of way, S57°29'51"E, 221.64 feet to the north line of said south 10 acres: thence along said north line S88°53'41"W, 182.71 feet, to the **POINT OF BEGINNING**.

Temporary Easements for the uses and purposed herein set forth in and to the following-described tracts, to-wit:

A tract of land lying in a portion of the Northeast Quarter of the Southwest Quarter of Section 27, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

COMMENCING at the Northwest corner of said Southwest Quarter Section 27; thence along the north line of said Southwest Quarter on a Kansas coordinate system 1983 south zone bearing of N88°53'41"E, 1320.44 feet; thence S51°53'26"E, 291.08 feet; thence S14°48'58"E, 671.43 feet to the **POINT OF BEGINNING**; thence S14°48'58"E, 514.32 feet to the north line of Orchard View Addition an Addition to Sedgwick County, Kansas; thence along the north line of said Orchard View Addition S88°59'49"W, 274.60 feet; thence N00°43'28"W, 500.18 feet; thence N89°16'32"E, 149.37 feet 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 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 11th day of, August 2009.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law