

ORDINANCE NO.47-927

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 PLANNED EAST 21<sup>ST</sup> AND NORTH BROADWAY ROAD IMPROVEMENT 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 improvement of East 21<sup>st</sup> and North Broadway 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:

All of lots 6 and 7, Steel and Swentzell's Highland 2<sup>nd</sup> Addition to the City of Wichita, Sedgwick County, Kansas.

Lot 9 except the west 1.28 feet and Lot 10, Steel and Swentzell's Highland 2<sup>nd</sup> Addition to the City of Wichita, Sedgwick County, Kansas.

Beginning at the southeast corner of Lot 14, Steel and Swentzell's Highland 2<sup>nd</sup> Addition to the City of Wichita, Sedgwick County, Kansas; thence S89°12'00"W, 103.79 feet along the south line of said Addition to the southwest corner of Lot 11, said Addition; thence N00°54'24"W, 131.99 feet along the

west line of said Lot 11; thence N89°10'07"E, 77.46 feet along the north line of Lots 11, 12, 13 and 14, said Addition to a point on the west right of way of Broadway as condemned in Condemnation Ordinance #5626; thence 130.15' along said right of way and along a curve to the left having a radius of 2963.72 feet, a central angle of 2°30'58", and a chord of 130.13 feet, bearing S12°35'08"E; thence S00°45'16"E, 4.64 feet along the east line of said Lot 14 to the Point of Beginning.

The north 30 feet of the south 60 feet of the Southwest Quarter of Section 4, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, lying East of the east right of way of the BNSF Railway and West of the west line of Best Supply Addition, Wichita, Sedgwick County, Kansas.

Beginning at the northeast corner of Lot 1 on Lawrence Avenue (now Broadway), Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; thence S00°53'24"E, 168.69 feet along the east line of said addition to a point lying 6 feet 3 <sup>3</sup>/<sub>4</sub> inches North of the southeast corner of Lot 13, Lawrence Avenue, said Addition; thence S89°12'00"W, 27.48 feet parallel with the South line of said Lot 13; thence N05°14'25" W, 134.13 feet to a point lying 34.9 feet South of the north line of said Lot 1; thence N48°01'10"W, 22.02 feet to a point lying 20.00 feet South of the north line of said Lot 1; thence S89°12'00"W, 86.21 feet parallel with said north line to a point on the west line of said Lot 1; thence N00°53'24"W, 20.00 feet along said west line to the northwest corner of said Lot 1; thence N89°12'00"E, 140.00 feet along the north line of said Lot 1 to the Point of Beginning.

Beginning at the southeast corner of Lot 13 on Lawrence Avenue (now Broadway), Gossard's Subdivision of Gossard's Addition to Wichita, Sedgwick County, Kansas; thence S00°53'24"E, 100 feet along the east line of Lots 15, 17, 19, and 21 on Lawrence Avenue, said Addition, to the southeast corner of said Lot 21; thence S89°12'00"W, 20.18 feet along the south line of said Lot 21; thence N03°45'53"W, 30.37 feet; thence N05°14'25"W, 76.21 feet to a point lying 6 feet 3 <sup>3</sup>/<sub>4</sub> inches North of the south line of said Lot 13; thence N89°12'00"E, 27.48 feet parallel with the south line of said Lot 13 to a point on the east line of said Lot 13; thence S00°53'24"E, 6.31 feet (6 feet 3 <sup>3</sup>/<sub>4</sub> inches) along the east line of said Lot 13 to the Point of Beginning

Commencing at the southwest corner of Lot 35, Block 1, Highland Addition to Wichita, Kansas; thence N89°10'07"E, 147.57 feet along the south line of said Lot 35 to the Point of Beginning; thence N06°06'15"W, 50.22 feet to a point lying on the north line of Lot 33, said Addition; thence N89°09'29"E, 13.43 feet along said north line to the existing west right of way of Broadway as condemned in Condemnation Ordinance #5626, said right of way being a 1°56' curve to the left and having a radius of 2963.72 feet; thence along said curve and

said right of way 50.73 feet through a central angle of 00°58'51", with a chord of 50.73 feet, bearing S10°29'00"E to a point on the south line of said Lot 35; thence S89°10'07"W, 17.32 feet along said south 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 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 8th day of July 2008.

**CITY OF WICHITA**

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Carl Brewer, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Gary E. Rebenstorf, Director of Law