

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 GREENWICH ROAD: KELLOGG AVENUE TO HARRY STREET PROJECT, INCLUDING THE RECONSTRUCTION OF THE INTERSECTION AT HARRY AND GREENWICH 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 the Greenwich Road: Kellogg Avenue to Harry Street including the reconstruction of the intersection of Harry and Greenwich 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 tract in the SW¹/₄ Section 27, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as: commencing at the SW corner of said SW¹/₄; thence on an assumed bearing of N 00°- 49'-21" W a distance of 87.69 feet to a point on the West line of said SW¹/₄; thence N 89°- 10'-39" E a distance of 50.00 feet to the point of beginning; thence S 45°- 11'- 40" E a distance of 38.81 feet; thence N 89°- 13'-01" E a distance of 922.90 feet; thence S 00°- 46'-59" E a distance of 20.00 feet; thence S 89°- 13'-01" W a distance of 950.03 feet; thence N 00°- 49'-21" W a distance of 47.72 feet, more or less, to the point of beginning, said tract containing 0.44 acres, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

The North 10.00 feet of Lot 1, Sloan's Addition to Wichita, Sedgwick County, Kansas, said tract containing 1,170 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a

road or highway.

The North 10.00 feet of Lot 3, Sloan's Addition to Wichita, Sedgwick County, Kansas, said tract containing 1000 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

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

A tract of land in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas described as: commencing at the SE corner of said N $\frac{1}{2}$ of the N $\frac{1}{2}$; thence westerly on the S line of the said N $\frac{1}{2}$ of the N $\frac{1}{2}$ on an assumed bearing of N 89°-10'-39" W a distance of 50.00 feet; thence on an assumed bearing of N 0°-49'-21" W a distance of 168.35 feet to the point of beginning; thence on an assumed bearing of N 89°-10'-39" W a distance of 23.05 feet; thence on an assumed bearing of N 34°-50'-32" E a distance of 39.55 feet; thence on an assumed bearing of S 0°-49'-21" E a distance of 32.13 feet more or less to the point of beginning, said tract containing 370 square feet, more or less, for the purposes of constructing reconstructing, widening, improving, draining and maintaining a road or highway.

A tract in the SE $\frac{1}{4}$ Section 28, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as: commencing at the NE corner of said SE $\frac{1}{4}$; thence on an assumed bearing of S 00°- 49'-21" E a distance of 253.39 feet to a point on the East line of said SE $\frac{1}{4}$; thence S 89°-10'-39" W a distance of 50.00 feet to the point of beginning; thence S 00°- 49'-21" E a distance of 130.00 feet; thence S 89°- 10'-39" W a distance of 25.00 feet; thence N 00°- 49'-21" W a distance of 130.00 feet; thence N 89°- 10'-39" E a distance of 25.00 feet, more or less, to the point of beginning, said tract containing 3250 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

A tract in the SW $\frac{1}{4}$ Section 27, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as: commencing at the SW corner of said SW $\frac{1}{4}$; thence on an assumed bearing of N 00°- 49'-21" W a distance of 1265.00 feet to a point on the West line of said SW $\frac{1}{4}$; thence N 89°-10'-39" E a distance of 50.00 feet to the point of beginning; thence S 00°- 49'-21" E a distance of 100.00 feet; thence N 89°- 10'-39" E a distance of 40.00 feet; thence N 00°- 49'-21" W a distance of 100.00 feet; thence S 89°- 10'-39" W a distance of 40.00 feet, more or less, to the point of beginning, said tract containing 4000 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

That part of the SW $\frac{1}{4}$ of Section 27, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as commencing at

the southwest corner of said SW $\frac{1}{4}$; thence East along the south line of said SW $\frac{1}{4}$, 1,890.98 feet; thence North, perpendicular to said south line, 40.00 feet to the place of beginning; thence continuing North, perpendicular to said south line, 35.00 feet; thence East, parallel with said south line, 56.00 feet; thence South, perpendicular to said south line, 35.00 feet; thence West, parallel with said south line, 56.00 feet to the place of beginning, said tract containing 1,960 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

A tract in the SW $\frac{1}{4}$ Section 27, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as: commencing at the NW corner of said SW $\frac{1}{4}$; thence on an assumed bearing of S 00°- 49'-21" E a distance of 347.39 feet to a point on the West line of said SW $\frac{1}{4}$; thence N 89°- 10'-39" E a distance of 50.00 feet to the point of beginning; thence N 89°- 10'-39" E a distance of 25.00 feet; thence S 00°- 49'-21" E a distance of 57.40 feet; thence N 52°- 02'-14" W a distance of 32.07 feet; thence N 00°- 49'-21" W a distance of 37.31 feet, more or less, to the point of beginning, said tract containing 1184 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

A tract in the SW $\frac{1}{4}$ Section 27, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as: commencing at the NW corner of said SW $\frac{1}{4}$; thence on an assumed bearing of S 00°- 49'-21" E a distance of 489.39 feet to a point on the West line of said SW $\frac{1}{4}$; thence N 89°- 10'-39" E a distance of 50.00 feet to the point of beginning; thence N 89°- 10'-39" E a distance of 25.00 feet; thence N 00°- 49'-21" W a distance of 12.76 feet; thence N 52°- 02'-14" W a distance of 32.07 feet; thence S 00°- 49'-21" E a distance of 32.85 feet, more or less, to the point of beginning, said tract containing 570 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

A tract described as: the West 30.37 feet of the North 10.00 feet of Lot 2, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County, Kansas, said tract containing 304 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

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

The West 20.00 feet of the East 70.00 feet of the S $\frac{1}{2}$, N $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$, excluding Thorn Creek Farms Addition Section 28, T-27-S, R-2-E of the 6th Principal Meridian, Wichita Sedgwick County, Kansas.

A tract of land in the N $\frac{1}{2}$ of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 28, Township 27 South, Range 2 East of the 6th Principal Meridian, Sedgwick County, Kansas described as: commencing at the SE corner of said N $\frac{1}{2}$ of the N

½ ; thence westerly on the S line of the said N ½ of the N ½ on an assumed bearing of N 89°-10'-39" W a distance of 50.00 feet to the point of beginning; thence on an assumed bearing of N 89°-10'-39" W a distance of 30.00 feet; thence on an assumed bearing of N 0°-49'-21" W a distance of 157.91 feet; thence on an assumed bearing of N 32°-29'-51" E a distance of 12.66 feet; thence on an assumed bearing of S 89°-10'-39" E a distance of 23.05 feet; thence on an assumed bearing of S 0°-49'-21" E a distance of 168.35 feet more or less, to the point of beginning said tract containing 5017 square feet, more or less, for the purposes of constructing street improvements.

The West 10.00 feet of the East 60.00 feet of a tract described as: beginning at the SE Corner N½ N½ SE¼ Section 28, T-27-S, R-2-E of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; thence West 1662.02 feet; thence North 439.00 feet; thence East 111.00 feet; thence North 225.57 feet; thence East 1551.02 feet; thence South 664.14 feet to point of beginning, except permanent drainage easement thereof.

A tract described as: the West 20.00 feet of the East 70.00 feet of the South 270.80 feet of the NE ¼, Section 28, T-27-S, R-2-E of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas.

The West 5.00 feet of the East 55.00 feet of a tract described as: beginning at the SE Corner N ½ SE ¼ Section 28, T-27-S, R-2-E of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas; thence West 55.00 feet; thence North 663.06 feet; thence East 55.00 feet; thence South 663.06 feet to the point of beginning.

The East 15.00 feet of the West 65.00 feet of the North 62.20 feet, of the S½, SW¼, Section 27, T-27-S, R-2-E of the 6th Principal Meridian, Sedgwick County, Kansas, and commencing at the SW corner of said S½; thence on an assumed bearing of N 00°-49'-21" W a distance of 1165.00 feet to a point on the West line of said S½; thence N 89°-10' 39" E a distance of 50.00 feet to the point of beginning; thence N 89°-10'-39" E a distance of 15.00 feet; thence S 00°-49'-22" E a distance of 300.00 feet; thence S 89°-10'-39" W a distance of 10.00 feet; thence S 00°-49'-22" E a distance of 775.27 feet; thence S 45°-11'-40" E a distance of 34.67 feet; thence N 89°-13'-01" E a distance of 135.67 feet; thence N 00°-46'-59" W a distance of 19.00 feet; thence N 89°-13'-01" E a distance of 30.00 feet; thence S 00°-46'-59" E a distance of 19.00 feet; thence N 89°-13'-01" E a distance of 755.13 feet; thence S 00°-46'-59" E a distance of 5.00 feet; thence S 89°-13'-01" W a distance of 922.90 feet; thence N 45°-11'-40" W a distance of 38.81 feet; thence 00°-49'-21" W a distance of 1077.31, feet more less, to the point of beginning, said tract containing 0.34 acres, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

The West 5.00 feet of Lot 5, Block 1, Windsor Park Addition, to Wichita, Sedgwick County, Kansas, except permanent drainage easement thereof.

The West 10 feet of the South 200.45 feet of Lot 4, Block 1, Windsor Park Addition, Sedgwick County, Kansas.

The North 10.00 feet of Lot 2, Block A, Smithmoor Commercial Addition, Wichita, Sedgwick County, Kansas, except permanent drainage easement thereof.

The South 5.00 feet, of the North 15.00 feet, of Lot 1, Sloan's Addition, Sedgwick County, Kansas, containing 585 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

The South 10.00 feet of the North 20.00 feet of Lot 3, Sloan's Addition to Wichita, Sedgwick County, Kansas, said tract containing 1,000 square feet, more or less, for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

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 23rd day of, June 2009.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law