

ORDINANCE NO. 48-163

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 OF THE 9TH STREET DRAINAGE OUTFALL 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 and easements for improvement of storm water drainage in the area of McLean Avenue, West Street, Central Avenue and 13th Street North 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 the construction, maintenance, and repair of storm sewer and utility systems along and under the following described tract, to-wit:

A 20.00 feet wide tract of land lying in Lot 43, West Ridge Acres, Sedgwick County, Kansas, said 20.00 feet wide tract of land lying 10.00 feet on each side of the following described line: Commencing at a point on the east line of Kessler Avenue as condemned in Condemnation Case A 67423 and the south line of Bickel Avenue (now Zoo Boulevard) as platted in West Ridge Acres, Wichita, Sedgwick County, Kansas; thence southeasterly along the northerly line of Lot 43, said Addition, and the south line of said Bickel Avenue, 76.09 feet to the Point of Beginning; thence southwesterly 49.42 feet to the Point of Termination, said point lying on the east line of said condemnation case and 72.69 feet south of the Point of Commencement.

And temporary construction easements for the construction of a storm sewer system and pavement along and under the following-described tracts, to-wit:

The northerly 10.00 feet and the southerly 10.00 feet of a 40.00 feet wide tract of land lying in Lot 43, West Ridge Acres, Sedgwick County, Kansas, said 40.00 feet wide tract being centered on the following described line: Commencing at a point on the east line of Kessler Avenue as condemned in Condemnation Case A 67423 and the south line of Bickel Avenue (now Zoo Boulevard) as platted in West Ridge Acres, Wichita, Sedgwick County, Kansas; thence southeasterly along the northerly line of Lot 43, said Addition, and the south line of said Bickel Avenue, 76.09 feet to the Point of Beginning; thence southwesterly 49.42 feet to the Point of Termination, said point lying on the east line of said condemnation case and 72.69 feet south of the Point of Commencement.

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 13th day of, January 2009.

CITY OF WICHITA

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law