

ORDINANCE NO. 48-404

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:

The west 20 feet of Lot 23, Sunnyside Gardens, Sedgwick County, Kansas, except, the north 8 feet of thereof, and except the west 5 feet the south 97 feet of the north 100 feet, and except, the south 17 feet of the north 25 feet of the east 10 feet of the west 20 together with, the east 5 feet of the south 100 feet of Lot 24, Sunnyside Gardens, Sedgwick County, Kansas

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

The east 20 feet of the west 40 feet of Lot 23, Sunnyside Garden, Sedgwick County,

Kansas, except, the north 8 feet of thereof.

The south 20 feet of Lot 108, Sim Park Gardens, Sedgwick County, Kansas.

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, KS

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law