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ORDINANCE NO. 47-113

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 SANITARY SEWER TO SERVE AN AREA NORTH OF 13<sup>TH</sup> STREET NORTH AND WEST OF 159<sup>TH</sup> STREET EAST IN 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 easement acquisition and land acquisition for the construction of sanitary sewer improvements to serve an area north of 13<sup>th</sup> Street North and west of 159<sup>th</sup> Street East and including areas south to I-35 in 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 perpetual easement for the construction and maintenance of sanitary sewer in and to the following described tracts, to wit:

A 30.00 foot wide tract of land in the NE ¼ and the SE ¼ of Sec. 13, Twp. 27-S, R-2-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas lying 15.00 feet each side of the following described centerline: Commencing at the NW corner of said NE ¼; thence S89°54'11"E along the north line of said NE ¼, 1246.77 feet for a point of beginning; thence S07°19'43"E, 90.52 feet; thence S05°49'05"W, 385.56 feet; thence S52°38'19"W, 123.60 feet; thence S02°29'34"E, 325.86 feet; thence S17°21'41"E, 151.46 feet; thence S02°18'07"E, 314.28 feet; thence S39°19'30"E, 242.84 feet; thence S01°08'54"E, 487.37 feet; thence

S21°01'07"W, 331.15 feet; thence S15°16'35"W, 394.27 feet; thence S89°23'34"W, 311.87 feet; thence S00°56'17"W, 331.58 feet; thence S06°05'33"E, 281.12 feet to a point on the northwesterly right-of-way line of Kansas Turnpike Authority, (Condemnation Case No. A-54126), and there ending, all being subject to road rights-of-way of record. The intent of said 30.00 foot wide tract of land is to fully extend to the north line of said NE ¼, subject to road rights-of-way of record, and to fully extend to the northwesterly right-of-way line of said Kansas Turnpike Authority.

A temporary construction easement for sanitary sewer construction in and to the following-described tracts, to-wit:

A 100.00 foot wide tract of land in the NE ¼ and the SE ¼ of Sec. 13, twp. 27-S, R-2-E of the 6<sup>th</sup> P.M., Sedgwick County, Kansas lying generally easterly and southerly of, and as measured perpendicular to, and abutting the following described line: Commencing at the NW corner of said NE ¼; thence S89°54'11"E along the north line of said NE ¼, 1261.90 feet for a point of beginning; thence S07°19'43"E, 90.29 feet; thence S05°49'05"W, 393.78 feet; thence S52°38'19"W, 122.27 feet; thence S02°29'34"E, 316.07 feet; thence S17°21'41"E, 151.48 feet; thence S02°18'07"E, 311.24 feet; thence S39°19'30"E, 243.01 feet; thence S01°08'54"E, 495.50 feet; thence S21°01'07"W, 333.33 feet; thence S15°16'35"W, 404.84 feet; thence S89°23'34"W, 308.59 feet; thence S00°56'17"W, 316.05 feet; thence S06°05'33"E, 273.98 feet to a point on the northwesterly right-of-way of Kansas Turnpike Authority, (Condemnation Case No. A-54126), and there ending, all being subject to road rights-of-way of record. The intent of said 100.00 foot wide tract of land is to fully extend to the north line of said NE ¼, subject to road rights-of-way of record, and to fully extend to the northwesterly right-of-way line of said Kansas Turnpike Authority.

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 12th day of September, 2006.

**CITY OF WICHITA**

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Carlos Mayans, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Gary E. Rebenstorf, Director of Law