

ORDINANCE NO.48-174

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 WEST OF 111TH STREET WEST, ON THE NORTH AND SOUTH SIDES OF KELLOGG 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 easement acquisition and land acquisition for the construction of sanitary sewer improvements to serve an area bounded by Hoover on the west, 13th Street North on the North, Smith on the east, and an approximate half mile north of 11th Street North on the south 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 perpetual easement for the construction and maintenance of sanitary sewer in and to the following described tracts, to wit:

The South 10 Feet of the Easternmost 539.96 Feet of Lot 1, Resthaven Gardens of Memory, an Addition to Wichita, Sedgwick County, Kansas.

The South 20 Feet of the East 50 Feet of Lot 2, Block A, Horton Addition to Wichita, Sedgwick County, Kansas, said 20 Feet being measured perpendicular to the South line of said Lot 2.

The South 20 Feet of Lot 2, EXCEPT the East 50 Feet of said Lot 2, Block A, Horton Addition to Wichita, Sedgwick County, Kansas, said 20 Feet being measured perpendicular to the South line of said Lot 2.

Commencing at the Easternmost Northeast corner of Lot 1, Block A, Blasi Park, Sedgwick County, Kansas; thence $S88^{\circ}27'03''W$, 99.72 Feet along the Easternmost North line of said Lot 1 to the Point of Beginning; thence $S88^{\circ}27'03''W$, 425.93 Feet along said North line; thence $N01^{\circ}41'03''W$, 15 Feet along the Westernmost East line of said Lot 1; thence $N88^{\circ}27'03''E$, 425.93 Feet; thence $S01^{\circ}24'43''E$, 15 Feet to the Point of Beginning.

The South 15 Feet of the North 250 Feet of Lot 1, Block A, Blasi Park, Sedgwick County, Kansas, the South line of said North 250 Feet lying 300 Feet South of the South line of U.S. 54 as shown on the recorded plat of said addition.

Commencing at the Northwest Quarter of Section 31, Township 27 South, Range 1 West of the 6th P.M., Wichita, Sedgwick County, Kansas; thence $S01^{\circ}24'43''E$, 511.84 Feet along the East line of said Quarter to the Point of Beginning; thence $S01^{\circ}24'43''E$, 178.72 Feet along said East line to the North right-of-way of the Burlington Northern and Santa Fe Railroad; thence $S75^{\circ}47'12''W$, 20.51 Feet along said right-of-way; thence $N01^{\circ}24'43''W$, 183.18 Feet parallel with said East line; thence $N88^{\circ}20'47''E$, 20 Feet 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 _____ day of _____, 2009.

CITY OF WICHITA, KS:

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law