

ORDINANCE NO. 936

AN ORDINANCE AUTHORIZING THE CONDEMNATION AND APPROPRIATION OF INTERESTS IN REAL ESTATE IN LEAVENWORTH COUNTY, KANSAS FOR CONSTRUCTION, INSTALLATION, MAINTENANCE AND IMPROVEMENT OF A PUBLIC SANITARY SEWER, PURSUANT TO THE EMINENT DOMAIN PROCEDURE ACT, K.S.A. CHAPTER 26, AND AMENDMENTS THERETO, AS THE SAME RELATE TO CONDEMNATION BY CITIES, AND FURTHER PURSUANT TO RESOLUTION B-2-14 OF THE CITY OF LANSING, KANSAS; AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

WHEREAS, the Governing Body of the City of Lansing, Kansas, has found and determined it necessary to appropriate for public use and purpose certain private property in Lansing, Leavenworth County, Kansas, needed for the construction of a public sanitary sewer, with attendant facilities, located in Section 35, Range 22E to Section 36, Range 22E, in the city limits of the City of Lansing, identified herein as City Project 13-06.

WHEREAS, said Governing Body has heretofore authorized and ordered a survey to be made of such land by, D. Steven West, Kansas Registered Land Surveyor #1614, a competent and licensed land surveyor with a description of the land or interest to be condemned and this had been filed with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS:

Section I. The Governing Body hereby affirms all of its orders and declarations as to the necessity of appropriating interests in real estate for public use for improvements to the public sanitary sewer collection system, along with attendant facilities. The interests to be taken in the subject tracts of real estate by condemnation are permanent utility easements and temporary construction easements.

Section II. The interests in real estate required to be taken for public use in constructing and otherwise improving Project 13-06, with attendant facilities, are described as follows, to wit:

Tract I

A permanent and perpetual utility easement in, over, under, through, and upon the following described real estate situated in the City of Lansing, Leavenworth County, Kansas, to wit:

A tract of land, being a portion of the land described in Book 688 at Page 1852 in the City of Lansing, Leavenworth County, Kansas and being more particularly described as follows:

Commencing at the Southeast corner of property; thence S87°17'36"W along the South line of said property a distance of 442.75 feet; thence N05°15'36"E, a distance of 328.37 feet to the POINT OF BEGINNING; thence N84°44'24"W, distance of 30.00 feet; thence N05°15'36"E a distance of 50.96 feet; thence N24°53'23"W a distance of 158.34 feet; thence N02°12'38"W a distance of 49.43 feet to a point on the North line of said property; thence N87°54'52"E along the North line of said property a distance of 30.00 feet; thence S02°12'38"E a distance of 43.35 feet; thence S24°53'23"E a distance of 141.37 feet; thence N65°06'37"E a distance of 398.62 feet; thence N24°35'43"E a distance of 21.45 feet to a point on the North line of said property; thence N87°54'52"E along the North line of said property a distance of 25.01 feet to the Northeast corner of said property; thence S01°55'53"E along the East line of said property a distance of 28.33 feet; thence S24°35'43"W a distance of 12.56 feet; thence S65°06'37"W a distance of 423.75 feet; thence S05°15'36"W a distance of 46.37 feet to the Point of Beginning.

A temporary easement for sanitary sewer construction in, over, under, through, and upon the following described tract of real estate in the City of Lansing, Leavenworth County, Kansas, to wit:

A tract of land, being a portion of the land described in Book 688 at Page 1852 in the City of Lansing,

Leavenworth County, Kansas and being more particularly described as follows:

Commencing at the Southeast corner of said property ; thence S87° I 7'36"W a distance of 442.75 feet; thence N05° I 5'36"E, a distance of 328.37 feet to the POINT OF BEGINNING; thence N05° I 5'36"E a distance of 46.37 feet; thence N65°06'37"E a distance of 423.75 feet; thence N24°35'43 "E a distance of 12.56 feet to the East line of said Property; thence SOI 055'53"E along the East line of said Property a distance of 16.79 feet; thence S24°35'43"W a distance of 4.15 feet; thence S65°06'37"W a distance of 417.84 feet; thence S05° I 5'36"W a distance of 40.61 feet; thence N84 °44 '24"W, a distance of 10.00 feet to the Point of Beginning.

And:

Commencing at the Southeast corner of said property; thence S87° I 7'36"W a distance of 442.75 feet; thence N05° I 5'36"E, a distance of 328.37 feet; thence N84°44'24"W a distance of 30.00 feet to the POINT OF BEGINNING; thence continuing N84°44'24 "W a distance of 35.00 feet; thence N05 °I 5'36"E a distance of 71 .40 feet; thence N24°53'23"W a distance of 127.10 feet; thence N02°I 2'38"W a distance of 53.48 feet to the North line of said property; thence N87 °54'52"E along the said North line of the property, a distance of 20.00 feet; thence S02° I 2'38"E a distance of 49.43 feet; thence S24°53'23"E a distance of 158.34 feet; thence S05°I 5'36"W a distance of 50.96 feet to the Point of Beginning.

And:

Commencing at the Southeast corner of said property; thence S87° I 7'36"W a distance of 442.75 feet; thence N05 °I 5'36"E, a distance of 328.37 feet; thence N84°44'24"W a distance of 65.00; thence N05°I 5'36"E a distance of 71.40 feet; thence N24°53'23 "W a distance of 127.10 feet; thence N02°12'38"W a distance of 53.48 feet to the No1th line of said property; thence N87 °54'52"E along the said North line of the property, a distance of 50.00 feet to the POINT OF BEGINNING; thence continuing along the said North property line N87°54'52"E a distance of 50.00 feet; thence S02° I 2'38"E a distance of 33.21 feet; thence S24°53'23"E a distance of 71 .34 feet; thence N65°06'37"E a distance of 255.37 to the said North property line; thence N87°54'52"E along the said North property line a distance of 1 18.85 feet; thence S24°35'43"W a distance of 21.45 feet; thence S65°06'37"W a distance of 398.62 feet; thence N24 °53'23"W a distance of 141.37 feet; thence N02° I 2'38"W a distance of 43.35 feet to the Point of Beginning.

"Permanent Easement" The right and easement hereby granted as "PERMANENT EASEMENT" is permanent and is granted to the City of Lansing, Kansas, for the use and purpose of constructing, installing and maintaining on and upon said lands such public sanitary sewer as may be necessary.

"Temporary Easement" The right and easement hereby granted as "TEMPORARY EASEMENT" SHALL expire twelve months from the date of completion and acceptance of Project 13-06, but not later than August 31, 2015.

Section III. The interests in said real estate described in Section II hereof are hereby ordered condemned for the purpose and use as set forth in Section I hereof.

Section IV. Gregory C. Robinson, attorney for the City of Lansing, Kansas, for and on behalf of the Governing Body of the City of Lansing, Kansas, is hereby authorized to file a verified petition in the District Court of Leavenworth County, Kansas, for the condemnation and appropriation of the real estate described in Section II hereof, pursuant to the Eminent Domain Procedure Act, Chapter 26, of Kansas Statutes Annotated, as amended, and to do all things necessary for the condemnation and acquisition of said real estate for said public purposes and improvements.

Section V. This ordinance shall constitute the final order setting forth the condemnation of the lands described herein and for the purposes of which the same shall be used.

Section VI. That the costs of said acquisition, when ascertained, shall be paid from the general fund of the City of Lansing, Kansas; PROVIDED, however, that the City of Lansing, Kansas, hereby reserves its right to

abandon the condemnation as to any or all of said tracts.

Section VII. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED by the Governing Body of the City of Lansing, Kansas, on this 4th day of September, 2014.

{SEAL}

Louis E. Kirby, Mayor

Attest:

APPROVED AS TO FORM:

Amber McCullough, City Clerk

Gregory C. Robinson, City Attorney

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