

ORDINANCE NO. 938

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, described in Book 927, Page 519 in the City of Lansing, Leavenworth County Kansas. More particularly described as:

Commencing at the Center of Section 36 Township 9 South Range 22 East; thence S87°12'24"W along the South line of the Northwest Quarter of said Section 36 a distance of 253.14 feet to the point of beginning; thence continuing S87°12'24"W along the South line of the Northwest Quarter of said Section 36 a distance of 22.08 feet; thence N56°34'02"E along the South lines of Lots 37, 38, and 39 of Southern Hills Subdivision, a platted subdivision in the City of Lansing, Leavenworth County, Kansas, a distance of 158.41 feet; thence S31°11'09"E a distance of 27.31 feet; thence S72°07'07"W a distance of 20.65 feet; thence S12°48'06"E a distance of 27.27 feet; thence S77°11'54"W a distance of 30.00 feet; thence N29°33'14"W a distance of 19.94 feet; thence S60°26'46"W a distance of 82.30 feet to a point on the South line of the Northwest Quarter of said Section 36, said point also being the Point of Beginning.

And.

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, described in Book 927, Page 519, also in Lot 39 of Southern Hills Subdivision a platted in the City of Lansing, Leavenworth County Kansas. More particularly described as:

Commencing at the Southwest corner of Lot 39 of Southern Hills Subdivision a recorded plat in the City of Lansing, Leavenworth County, Kansas; thence N11°20'43"W a distance of 14.85 feet; thence N78°39'17"E a distance of 10.00 feet to the point of beginning; thence N11°20'43"W a distance of 34.01 feet; thence N72°07'07"E a distance of 23.19 feet; thence S31°11'09"E a distance of 25.34 feet; thence S56°34'02"W a distance of 34.08 feet,

to the Point of Beginning.

And.

Commencing at the Center of Section 36 Township 9 South Range 22 East; thence S87°12'24"W along the South line of the Northwest Quarter of said Section 36 a distance of 230.93 feet to the point of beginning; thence continuing S87°12'24"W along the South line of the Northwest Quarter of said Section 36 a distance of 22.21 feet; thence N60°26'46"E a distance of 82.30 feet; thence S29°33'14"E a distance of 19.94 feet; thence N77°11'54"E a distance of 30.00 feet; thence N12°48'06"W a distance of 27.27 feet; thence N72°07'07"E a distance of 20.65 feet; thence N31°11'09"W a distance of 27.31 feet to a point on the South line of Lot 39 of Southern Hills Subdivision, a platted subdivision in the City of Lansing, Leavenworth County, Kansas; thence N56°34'02"E along the South line of said Lot 39 a distance of 15.01 feet; thence S31°11'09"E a distance of 46.86 feet; thence S72°07'07"W a distance of 25.88 feet; thence S12°48'06"E a distance of 28.55 feet; thence S77°11'54"W a distance of 56.15 feet; thence N29°33'14"W a distance of 21.09 feet; thence S60°26'46"W a distance of 47.47 feet to a point on the South line of the Northwest Quarter of said Section 36, said point also being 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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Date Published: