

## **ORDINANCE NO. 988**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN LAND NECESSARY FOR THE CONSTRUCTION OF A PUBLIC STREET AND ASSOCIATED DRAINAGE IMPROVEMENTS, LOCATED WITHIN THE CITY OF LANSING, KANSAS, ALL BY THE POWER OF EMINENT DOMAIN.**

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

**Section 1.** The Governing Body of the City of Lansing, Kansas has previously adopted Resolution No. B-5-17 declaring it necessary to acquire certain interests in property for the construction of Desoto Road, a public street, along with associated drainage improvements, within the City of Lansing, Kansas, pursuant to K.S.A. 26-201. Said resolution authorized a survey and description of the land, proposed to be condemned, to be made and filed with the City Clerk, and further authorized said resolution to be published once in the official City newspaper. Said publication, survey and filing have now been completed.

**Section 2.** a. Whenever the term “permanent right of way easement” is used herein, it shall mean a grant of easement, in perpetuity, for the purpose of constructing, maintaining, repairing, inspecting, operating and using streets, sidewalks, utilities and drainage improvements, and said easement shall be for the benefit of the public and shall include the right of vehicular and pedestrian travel by the general public; and,

b. Whenever the term “temporary easement” is used herein, it shall mean a temporary grant of easement for a period commencing on January 1, 2018, or the date upon which the appraiser’s report is filed in any condemnation action, whichever date is later, and terminating on December 31, 2020, and shall be for the purpose of surveying, excavating, filling, grading, storage of materials and equipment, and all other purposes incidental to the construction of a street, sidewalks, utilities, or drainage improvements on the permanent public right-of-way adjacent thereto, and shall be conditioned upon: (i) the City constructing a driveway that connects the newly improved adjacent street to the remaining property; and, (ii) the City providing access from the public right of way to the remaining property during the construction and providing the temporary surfacing of such access; and (iii) upon the termination of the temporary easement, the City restoring the unimproved portion of the easement to a neat and sightly condition and reseeding the grass; and,

c. Whenever the term “drainage easement” is used herein, it shall mean a permanent grant of easement for the purpose of constructing, reconstructing, maintaining and repairing such structures and improvements that are determined by the City to be necessary to accept the flow of surface water from adjacent property and also from public right of way, and shall also be for the purpose of the flowage of surface water across and upon said easement.

**Section 3.** That the City shall, by exercise of the power of eminent domain, acquire the interests in land described as follows:

**A.**

**NAME OF PROPERTY OWNERS:** Steven D. Courter and Lisa A. Courter, husband and wife.

**LEGAL DESCRIPTION OF PROPERTY AND INTEREST TO BE ACQUIRED:**

Tract I: A temporary easement over: That part of the Northwest Quarter of Section 24, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence N 00°54'27" W along the West line of said Northwest Quarter a distance of 508.76 feet; thence N 89°05'33" E a distance of 40.00 feet to the Point of Beginning on the East right-of-way of Desoto Road; thence N 00°54'27" W along said East right-of-way line a distance of 65.18 feet; thence N 89°05'33" E along said right-of-way a distance of 10.00 feet; thence S 00°54'27" E a distance of 65.18 feet; thence S 89°05'33" W a distance of 10.00 feet to the point of beginning. The above described contains 652 square feet, more or less.

Tract II: A drainage easement over: That part of the Northwest Quarter of Section 24, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of said Northwest Quarter; thence N 00°54'27" W along the West line of said Northwest Quarter a distance of 577.72 feet; thence N 87°15'00" E a distance of 70.04 feet to the Point of Beginning on the East right-of-way line of Desoto Road; thence N 00°54'27" W along said East right-of-way line a distance of 62.41 feet to the North line of a tract described in Book 993, Page 1346 recorded in the Office of the Register of Deeds in said County; thence N 87°15'00" E along said North line a distance of 49.03 feet; thence S 00°54'27" E a distance of 62.41 feet; Thence S 87°15'00" W a distance of 49.03 feet to the point of beginning. The above described contains 3058 square feet, more or less.

**B.**

**NAME OF PROPERTY OWNERS:** Terri L. Harris, a single person, and Donald D. Kline and Kelly K. Cline, husband and wife.

**LEGAL DESCRIPTION OF PROPERTY AND INTEREST TO BE ACQUIRED:**

Tract I: A permanent right of way easement over: That part of Southeast Quarter of Section 14, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence S 87°34'58" W (assumed bearing) along the South line of said Southeast Quarter a distance of 50.02 feet to the Point of Beginning on the West right-of-way line of Desoto Road; thence S 87°34'58" W along said South line a distance of 18.01 feet; thence N 00°36'49" W a distance of 193.15 feet; thence N 87°34'58" E a distance of 18.01 feet to said West right-of-way line; thence S 00°36'49" E a distance of 193.15 feet to the point of beginning. The above described contains 3477 square feet, more or less.

Tract II: A temporary easement over: That part of Southeast Quarter of Section 14, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southeast Corner of said Southeast Quarter; thence S 87°34'58" W (assumed bearing) along the South line of said Southeast Quarter a distance of 68.03 feet to the Point of Beginning; thence S 87°34'58" W along said South line a distance of 13.00 feet; thence N 00°36'49" W a distance of 228.64 feet; thence N 87°34'58" E a distance of 13.01 feet; thence N 00°36'49" W a distance of 71.36 feet to the North line of a tract described in Book 834, Page 1088 recorded in the Office of the Register of Deeds of said County; thence N 87°34'58" E a distance of 18.01 feet to the West right-of-way line of Desoto Road; thence S 00°36'49" E along said West right-of-way line a distance of 106.85 feet; thence S 87°34'58" W a distance of 18.01 feet; thence S 00°36'49" E a distance of 193.15 feet to the point of beginning. The above described contains 4896 square feet, more or less.

C.

**NAME OF PROPERTY OWNERS:** Delores D. Simpson, Trustee, of the Delores D. Simpson Living Trust, dated June 6, 2016.

**LEGAL DESCRIPTION OF PROPERTY AND INTEREST TO BE ACQUIRED:**

A temporary easement over that part of Lot 2, Sycamore Ridge Estates Replat in the Southeast Quarter of Section 14, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows: Beginning at the Southeast Corner of said Lot 2; thence S 80°23'11" W (assumed bearing) along the South line of said Lot 2 a distance of 118.31 feet; thence N 09°36'49" W a distance of 11.88 feet; thence N 80°18'39" E a distance of 120.22 feet to the East line of said Lot 2; thence S 00°36'49" E along said East line a distance of 12.18 feet to the point of beginning. The above described contains 1426 square feet, more or less.

ALSO

Beginning at the Northeast corner of said Lot 2; thence S 00°36'49" E along the East line of said Lot 2 a distance of 388.24 feet; Thence N 06°48'20" W a distance of 389.41 feet to the North line of said Lot 2; thence N 87°52'31" E along said North line a distance of 42.01 feet to the point of beginning. The above described contains 8153 square feet, more or less.

**Section 4.** The exercise of the power of eminent domain in relation to the above-described tracts of land shall be accomplished in accordance with K.S.A. 26-501 et. seq., as amended.

**Section 5.** This ordinance shall take effect and be in force from and after its passage and publication in the official City newspaper.

**PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, THIS 21st DAY OF September, 2017.**

  
MICHAEL W. SMITH,  
Mayor

**ATTEST:**

  
SARAH BODENSTEINER, City Clerk

