

ORDINANCE NO. 1013

AN ORDINANCE AUTHORIZING THE CONDEMNATION AND APPROPRIATION OF INTERESTS IN REAL ESTATE IN LEAVENWORTH COUNTY, KANSAS FOR CONSTRUCTION, INSTALLATION, MAINTENANCE AND IMPROVEMENT OF A SANITARY SEWER INTERCEPTOR, 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-4-18 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 and otherwise improving of a sanitary sewer interceptor, with attendant facilities, east of Main Street a/k/a 7/73 Highway, north and along Emile Street, west of Main Street a/k/a 7/73 Highway, generally west along the southern and western property line of Great Life Golf Course to Pebble Beach Drive, and south from Oakmont Drive to Holiday Drive.

WHEREAS, said Governing Body has heretofore authorized and ordered a survey to be made of such land by Andrew J. Riddle, R.L.S. #1530, 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 a sanitary sewer interceptor, along with attendant facilities. The interests to be taken in the subject tracts of real estate by condemnation are permanent and temporary easements.

Section II. The interests in real estate required to be taken for public use in constructing and otherwise improving City Project 18-02, with attendant facilities, are described as follows, to wit:

Tract IV (P4T8)

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 Temporary Construction Easement over part of a Tract of land in the Southwest Quarter of Section 18, Township 9 South, Range 23 East of the 6th P.M., in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest corner of JAYHAWK SUBDIVISION, a subdivision of land in said City, County and State; thence South 88°25'25" West, along the North line of PARCEL NO. 1 LOT SPLIT OF LOT OR BLOCK 3 SANTA FE SUBDIVISION, a subdivision of land in said City, County and State, said line also being the South line of Block 2 of said SANTA FE SUBDIVISION, a distance of 477.10 feet, to the POINT OF BEGINNING; thence South 02°05'32" East, departing said North line, a distance of 76.74 feet; thence North 87°54'28" East, a distance of 106.26 feet; thence South 50°22'03" East, a distance of 188.17 feet; thence North 56°00'19" East, a distance of 103.43 feet; thence North 62°24'31" East, a distance of 153.24 feet; thence South 81°27'05" East, a distance of 219.45 feet; thence North 16°53'01" East, a distance of 91.42 feet; thence South 79°27'24" West, a distance of 71.40 feet; thence North 10°32'36" West, a distance of 40.00 feet; thence North 79°27'24" East, a distance of 3.66 feet, to a point on the said North line of said Parcel No. 1, said point also being on the South line of said JAYHAWK SUBDIVISION; thence North 88°25'25" East, along said North line, a distance of 180.01 feet, to a point at the Northeast corner of said PARCEL NO. 1, said point also being on the centerline of an abandoned railroad Right-of-Way described in Book 669 at Page 508; thence South 14°12'31" West, along said East line, a distance of 50.31 feet; thence South 87°41'41" West, departing said East line, a distance of 15.41 feet; thence South 16°53'01" West, a distance of 166.54 feet; thence North 81°27'05" West, a distance of 262.49 feet; thence South 62°24'31" West, a distance of 122.67 feet; thence South 56°00'19" West, a distance of 158.83 feet; thence North 50°22'03" West, a distance of 83.80 feet, to a point on the East line of PARCEL NO. 2 of said LOT SPLIT OF LOT OR BLOCK 3 SANTA FE SUBDIVISION; thence North 01°30'28" West, along said East Parcel line, a distance of 52.61 feet,

to a point at the Northeast corner of said Parcel No. 2; thence South 88°52'13" West, along said North Parcel line, a distance of 60.68 feet; thence North 50°22'03" West, departing said North Parcel line, a distance of 53.19 feet; thence South 87°54'30" West, a distance of 126.42 feet; thence North 89°43'01" West, a distance of 43.40 feet; thence South 00°00'00" East, a distance of 14.00 feet; thence North 90°00'00" West, a distance of 59.19 feet, to a point on the East Right-of-Way line of North Main Street, as now established; thence North 21°56'51" East, along said East Right-of-Way line, a distance of 112.84 feet; thence North 01°30'28" West, continuing along said East Right-of-Way line, a distance of 9.23 feet; thence South 61°54'22" East, departing said East Right-of-Way Line, a distance of 31.96 feet; thence North 02°05'32" West, a distance of 71.27 feet, to a point on said North line; thence North 88°25'25" East, along said North Parcel line, a distance of 80.00 feet, to the POINT OF BEGINNING. EXCEPT that part in Permanent Sanitary Sewer Easement and that part in Assumed Sanitary Sewer Easement. Said Temporary Construction Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

Tract V (P4T8)

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

A Permanent Sanitary Sewer Easement over part of a Tract of land in the Southwest Quarter of Section 18, Township 9 South, Range 23 East of the 6th P.M., in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest corner of JAYHAWK SUBDIVISION, a subdivision of land in said City, County and State; thence North 88°25'25" East, along the North line of PARCEL NO. 1, LOT SPLIT OF LOT OR BLOCK 3 SANTA FE SUBDIVISION, a subdivision of land in said City, County and State, said line also being the South line of said JAYHAWK SUBDIVISION, a distance of 293.26 feet, to the POINT OF BEGINNING; thence continuing North 88°25'25" East, along said North line, a distance of 21.08 feet; thence South 16°53'01" West, departing said North Line, a distance of 173.61 feet; thence North 81°27'05" West, a distance of 295.09 feet; thence North 62°24'31" East, a distance of 33.91 feet; thence South 81°27'05" East, a distance of 250.43 feet; thence North 16°53'01" East, a distance of 149.65 feet, to the POINT OF BEGINNING. Said Permanent Sanitary Sewer Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

AND

A Permanent Sanitary Sewer Easement over part of a Tract of land in the Southwest Quarter of Section 18, Township 9 South, Range 24 East of the 6th P.M., in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Southwest corner of JAYHAWK SUBDIVISION, a subdivision of land in said City, County and State; thence South 88°25'25" West, along the North line of PARCEL NO.1 LOT SPLIT OF LOT OR BLOCK 3 SANTA FE SUBDIVISION, a subdivision of land, in said City, County and State, said line also being the South line of Block 2 of said SANTA FE SUBDIVISION, a distance of 517.10 feet, to the POINT OF BEGINNING; thence South 02°05'32" East, departing said North line, a distance of 117.10 feet; thence North 87°54'28" East, a distance of 161.06 feet; thence South 50°22'03" East, a distance of 186.32 feet; thence South 56°00'19" West, a distance of 20.85 feet; thence North 50°22'03" West, a distance of 172.82 feet; thence South 87°54'28" West, a distance of 163.65 feet; thence North 89°43'01" West, a distance of 38.07 feet; thence North 61°54'22" West, a distance of 47.16 feet to a point on the East Right-of-Way line of North Main Street, as now established; thence North 21°56'51" East, along said East Right-of-Way line, a distance of 20.12 feet; thence South 61°54'22" East, departing said East Right-of-Way line, a distance of 44.36 feet; thence South 89°43'01" East, a distance of 22.49 feet; thence North 02°05'32" West, a distance of 116.86 feet, to a point on said North line; thence North 88°25'25" East, along said North line, a distance of 20.00 feet, to the POINT OF BEGINNING. Said Permanent Sanitary Sewer Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

Tract VI (P4T12)

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 temporary construction easement over part of Block 20, SANTA FE SUBDIVISION, a subdivision of land, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Northeast corner of TIMBERCREEK SUBDIVISION, a subdivision of land in said City, County and State; thence South 00°46'00" East, along the East line of said TIMBERCREEK SUBDIVISION, a distance of 156.85 feet, to the POINT OF BEGINNING; thence South 50°03'15" East, departing said East line, a distance of 247.53 feet; thence South 70°40'58" East, a distance of 377.77 feet; thence South 35°43'42" East, a distance of 132.88 feet; thence South 02°48'20" East, a distance of 77.95 feet, to a point on the North Right-of-Way line of Emile Street, as now established; thence South 88°54'00" West, along said North Right-of-Way line, a distance of 80.04 feet; thence North 02°48'20" West, departing said North Right-of-Way line, a distance of 51.93 feet; thence North 35°43'42" West, a distance of 84.06 feet; thence North 70°40'58" West, a distance of 372.23 feet; thence North 19°19'02" East, a distance of 30.00 feet; thence North 70°40'58" West, a distance of 3.64 feet; thence North 50°03'15" West, a distance of 196.02 feet, to a point on said East line; thence North 00°46'00" West, along said East line, a distance of 72.56 feet, to the POINT OF BEGINNING. EXCEPT that part in Permanent Sewer Easement. Said Temporary Construction Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

AND

A Temporary Construction easement over part of Block 12, SANTA FE SUBDIVISION, a subdivision of land, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Northeast corner of TIMBERCREEK SUBDIVISION, a subdivision of land in said City, County and State; thence South 89°05'31" West, along the North line of said subdivision, a distance of 134.33 feet, to the POINT OF BEGINNING; thence continuing South 89°05'31" West, along said North line, a distance of 81.19 feet; thence North 10°43'27" West, departing said North line, a distance of 50.58 feet; thence North 66°10'16" West, a distance of 200.47 feet; thence South 64°30'51" West, a distance of 321.51 feet, to a point on the North Line of Block 11, SANTA FE SUBDIVISION; thence South 89°05'31" West, along said North Block line and it's Westerly extension, a distance of 234.72 feet, to a point at the centerline of abandoned railroad per Document in Book 669, Page 508; thence North 14°12'31" East, departing said Westerly extension, along said centerline, a distance of 40.67 feet; thence North 87°41'41" East, departing said centerline, a distance of 124.28 feet; thence North 64°30'51" East, a distance of 431.47 feet; thence South 66°10'16" East, a distance of 279.24 feet; thence South 10°43'27" East, a distance of 106.46 feet, to the POINT OF BEGINNING. EXCEPT that part in assumed sanitary sewer easement. Said Temporary Construction Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

Tract VII (P4T12)

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

A Permanent sanitary sewer easement over part of Block 20, SANTA FE SUBDIVISION, a subdivision of land, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Northeast Corner of TIMBERCREEK SUBDIVISION, a subdivision of land in said City, County and State; thence South 00°46'00" East, along the East line of said TIMBERCREEK SUBDIVISION, a distance of 189.83 feet, to the POINT OF BEGINNING; thence South 50°03'15" East, departing said East line, a distance of 216.38 feet; thence South 70°40'58" East, a distance of 406.76 feet; thence South 35°43'42" East, a distance of 109.33 feet; thence South 02°48'20" East, a distance of 74.70 feet, to a point on the North Right-of-Way line of Emile Street, as now established; thence South 88°54'00" West, along said North Right-of-Way line, a distance of 20.01 feet; thence North 02°48'20" West, departing said North Right-of-Way line, a distance of 68.20 feet; thence North 35°43'42" West, a distance of 97.12 feet; thence North 70°40'58" West, a distance of 404.10 feet; thence North 50°03'15" West, a distance of 202.81 feet, to a point on said East line; thence North 00°46'00" West, along said East line, a distance of 26.39 feet, to the POINT OF BEGINNING. Said Permanent Sanitary Sewer Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

Tract XI (P4T18)

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 temporary construction easement over part of Block 19, SANTA FE SUBDIVISION, a subdivision of land, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Northeast Corner of the Northwest Quarter of Section 19, Township 9, Range 23 East; thence South 88°54'00" West, along the North line of said Northwest Quarter, a distance of 21.07 feet; thence South 01°06'00" East, departing said North line, a distance of 20.00 feet, to the POINT OF BEGINNING, said point being on the South Right-of-Way line of Emile Street, as now established; thence South 02°48'20" East, departing said South Right-of-Way line, a distance of 473.49 feet; thence South 21°40'37" East, a distance of 25.59 feet, to a point on the East line of said Northwest Quarter; thence South 01°19'26" East, along the said East line, a distance of 42.74 feet; thence South 68°19'23" West, departing said East line, a distance of 65.13 feet; thence North 21°40'37" West, a distance of 78.96 feet; thence North 02°48'20" West, a distance of 489.17 feet, to a point on said South Right-of-Way line; thence North 88°54'00" East, along said South Right-of-Way line, a distance of 80.04 feet, to the POINT OF BEGINNING. EXCEPT that part in Permanent Sewer Easement and that part in assumed sanitary sewer easement and that part in sanitary sewer easement described in Document 2015R04665. Said Temporary Construction Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

Tract XII (P4T18)

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

A Permanent sanitary sewer easement over part of Block 19, SANTA FE SUBDIVISION, a subdivision of land, in the City of Lansing, Leavenworth County, Kansas, being more particularly described as follows:

COMMENCING at the Northeast Corner of the Northwest Quarter of Section 19, Township 9 South, Range 23 East; thence South 88°54'00" West, along the North line of said Northwest Quarter, a distance of 41.07 feet; thence South 01°06'00" East, departing said North line, a distance of 20.00 feet, to the POINT OF BEGINNING, said point being on the South Right-of-Way line of Emile Street, as now established; thence South 02°48'20" East, departing said South Right-of-Way line, a distance of 477.41 feet; thence South 21°40'37" East, a distance of 48.99 feet; thence South 68°19'23" West, a distance of 20.00 feet; thence North 21°40'37" West, a distance of 52.31 feet; thence North 02°48'20" West, a distance of 481.33 feet, to a point on said South Right-of-Way line; thence North 88°54'00" East, along said South Right-of-Way line, a distance of 20.01 feet, to the POINT OF BEGINNING. EXCEPT that part in sanitary sewer easement described in Document 2015R04665. Said Permanent Sanitary Sewer Easement is more particularly shown on Exhibit "A" which is attached hereto and is fully made a part hereof.

"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 sanitary sewer interceptor as may be necessary.

"Temporary Easement" The right and easement hereby granted as "TEMPORARY EASEMENT" shall expire 24 months from the date of construction and acceptance of Project 18-02, but not later than March 31, 2021.

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, or his designee, 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 6th day of December, 2018.

Signed: _____

Michael W. Smith, Mayor

ATTEST:

Sarah Bodensteiner, City Clerk

Published: Leavenworth Times

Date: _____