

(First Published in the Columbus Daily Advocate September 21, 2007)

ORDINANCE NO. 1225

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, DETERMINING THE NECESSITY AND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF AN INTEREST IN LAND, TRACT 7, PROJECT NO. 69-11 K-8009-01, BY CONDEMNATION FOR THE PUBLIC PURPOSE OF PERMANENTLY IMPROVING AND RELOCATING PUBLIC ROAD, HIGHWAY AND PUBLIC AND PRIVATE UTILITY USE PURSUANT TO ITS POWER OF EMINENT DOMAIN AND IN ACCORDANCE WITH THE EMINENT DOMAIN PROCEDURE ACT.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS.

SECTION 1: That the City of Columbus has entered into a highway improvement project in cooperation with the Kansas Department of Transportation to permanently improve Highway 69 within the City limits, designated Project No. 69-11 K-8009-01.

SECTION 2: Pursuant to K.S.A. 26-201, the City is authorized to acquire by the exercise of the right of eminent domain title or easements to or upon any lands or interest to or rights therein and other property and rights as may be necessary for the construction, reconstruction, improvement, maintenance or drainage of the City's streets and utilities.

SECTION 3: The City has determined that in order to carry out such project and lawful powers and duties it is necessary to hereby acquire by the exercise of its power of eminent domain and pursuant to the procedures set forth in the Kansas Eminent Domain Procedure Act, K.S.A. 26-501, *et seq.*, the following temporary easement to or upon the following described lands located in Columbus, Cherokee County, Kansas for the accommodation of construction equipment, materials, and excavated earth, over and across the described tract of real estate situated in Cherokee County, Kansas, to wit

A portion of Lots 12, 13, and 14 in Block 14 of Park Addition to the City of Columbus, Cherokee County, Kansas, Commencing at the Southeast Corner of the Northeast Quarter (NE/4) of Section Thirteen (13), Township Thirty-three (33) South, Range Twenty-three (23) East, of the Sixth Principal Meridian, Cherokee County, Kansas, thence N 00°13'23" E (assumed bearings) along the East Line of the Northeast Quarter (NE/4) of said Section 13 a distance of 49.41 feet to the Easterly projection of the South line of said Block 14; thence N 88°24'35" W along said south line and it's easterly projection a distance of 108.96 feet to the Point of Beginning; thence N 72°56'49" E a distance of 51.91 feet; thence N 45°55'22" E a distance of 28.51 feet to a point on being 7.00 feet West and 37.00 feet North of the Southeast corner of said Block 14; thence N 00°15'19" E parallel with the East line of said Block 14 a distance of 10.00 feet; thence S 62°20'28" W a distance of 96.16 feet to the South line of said Block 14; thence S 88°24'35" E along said South line a distance of 15.02 feet to the point

of beginning.

This tract contains 1039.04 square feet, excluding existing right of way.

SECTION 4: The City has determined that in order to carry out such project and lawful powers and duties it is necessary to hereby acquire by the exercise of its power of eminent domain and pursuant to the procedures set forth in the Kansas Eminent Domain Procedure Act, K.S.A. 26-501, *et seq.*, the following real estate title and permanent easement to or upon the following described lands located in Columbus, Cherokee County, Kansas:

A portion of Lots 12, 13, and 14 in Block 14 of Park Addition to the City of Columbus, Cherokee County, Kansas, Commencing at the Southeast Corner of the Northeast Quarter (NE/4) of Section Thirteen (13), Township Thirty-three (33) South, Range Twenty-three (23) East, of the Sixth Principal Meridian, Cherokee County, Kansas, thence N 00°13'23" E (assumed bearings) along the East Line of the Northeast Quarter (NE/4) of said Section 13 a distance of 49.41 feet to the Easterly projection of the South line of said Block 14; thence N 88°24'35" W along said south line and it's easterly projection a distance of 38.99 feet to a point 7.00 feet West of the Southeast corner of said Block 14, said point being the Point of Beginning; thence N 88°24'35" W along said South Line a distance of 69.97 feet; thence N 72°56'49" E a distance of 51.91 feet; thence N 45°55'22" E a distance of 28.51 feet to a point on being 7.00 feet West and 37.00 feet North of the Southeast corner of said Block 14; thence S 00°15'19" W parallel with the East line of said Block 14 a distance of 37.00 feet to the point of beginning, except existing right of way.

This tract contains 957.92 square feet, excluding existing right of way.

SECTION 5: That proceedings in eminent domain shall commence as soon as practicable.

SECTION 6: All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed in so far as they conflict herewith.

SECTION 7: This ordinance shall be in full force and effect from and after passage and publication in the official City newspaper.

PASSED and APPROVED by the Governing body this 17th day of September, 2007.


HARLEY MCDANIEL, MAYOR

ATTEST:

JANICE BLANCETT, CITY CLERK

(SEAL)