

(First Published in the Columbus News Report \_\_\_\_\_, 2017)

ORDINANCE NO. 1399

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF COLUMBUS, KANSAS, DETERMINING THE NECESSITY, AUTHORIZATION AND ACQUISITION OF AN INTEREST IN LAND, PROJECT: SANITARY SEWER REHAB. 2016, COLUMBUS, KANSAS, TRACT 3, BY CONDEMNATION FOR THE PUBLIC PURPOSE OF PERMANENTLY IMPROVING AND RELOCATING SEWER UTILITY LINES; AND TO AUTHORIZE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE 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 sewer improvement project to permanently improve the City sewer system in the area of East Country Road and South Park Drive within the City limits, designated Project: SANITARY SEWER REHAB. 2016, COLUMBUS, KANSAS, TRACT 3.

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 permanent utility easement to or upon the following described lands located in Columbus, Cherokee County, Kansas for the accommodation of construction equipment, materials, and excavated earth, and the ongoing maintenance and improvements over and across the described tract of real estate, and for public and private utility use, situated in Cherokee County, Kansas, to wit:

A portion of Block Number Five (5) and the adjoining Streets and Alleys in Householder's Addition to the City of Columbus, Cherokee County, Kansas, being described as follows:

Commencing at the Southwest corner of Lot 2 of said Block 5; Thence North 88 Degrees 34 Minutes 55 Seconds East (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the South line of said Lot 2 a distance of 40.07 feet to the Point of Beginning; Thence continuing North 88 Degrees 34 Minutes 55 Seconds East along said South line a distance of 21.48 feet; Thence South 22 Degrees 47 Minutes 58 Seconds East a distance of 199.19 feet; Thence South 36 Degrees 43 Minutes 49 Seconds East a distance of 41.01 feet to a point on the centerline of Tennessee Street, said point being 66.04 feet North of the intersection of the centerlines of Tennessee Street and Green Street; Thence South 02 Degrees 10 Minutes 14 Seconds West along the centerline of said Tennessee Street a distance of 35.26 feet;; Thence North 36 Degrees 43 Minutes 49

Seconds West a distance of 66.02 feet; Thence South 87 Degrees 53 Minutes 48 Seconds West a distance of 66.02 feet; Thence South 87 Degrees 53 Minutes 48 Seconds West a distance of 216.03 feet; Thence North 02 Degrees 06 Minutes 12 Seconds West a distance of 20.00 feet; Thence North 87 Degrees 53 Minutes 48 Seconds East a distance of 206.81 feet; Thence North 22 Degrees 47 Minutes 58 Seconds West a distance of 193.77 feet to the Point of Beginning.

Encompassing 9,438 Sq. Ft.

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 temporary easements for the accommodation of construction equipment, materials, and excavated earth, over and across the described tract of real estate situated in Columbus, Cherokee County, Kansas, to wit:

A portion of Block Number five (5) and the adjoining Streets and Alleys in Householder's Addition to the City of Columbus, Cherokee County, Kansas, being described as follows:

Commencing at the Southwest corner of Lot 2 of said Block 5; Thence North 88 Degrees 34 Minutes 55 Seconds East (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the South line of said Lot 2 a distance of 61.55 feet to the Point of Beginning; Thence South 22 Degrees 47 Minutes 58 Seconds East a distance of 199.19 feet; Thence South 36 Degrees 43 Minutes 49 Seconds East a distance of 41.01 feet to a point on the centerline of Tennessee Street, said point being 66.04 feet North of the intersection of the centerlines of Tennessee Street and Green Street; Thence North 02 Degrees 10 Minutes 14 Seconds West along the centerline of said Tennessee Street a distance of 17.63 feet; Thence North 36 Degrees 43 Minutes 49 Seconds West a distance of 25.27 feet; Thence North 22 Degrees 47 Minutes 58 Seconds West a distance of 194.05 feet to the South line of said Lot 2; Thence South 88 Degrees 34 Minutes 55 Seconds West along said South line a distance of 10.74 feet to the Point of Beginning.

AND

Commencing at the Southwest corner of Lot 2 of said Block 5; Thence North 88 Degrees 34 Minutes 55 Seconds East (Bearings Based on the Kansas Coordinate System 1983 South Zone) along the South line of said Lot 2 a distance of 18.59 feet to the Point of Beginning; Thence continuing North 88 Degrees 34 Minutes 55 Seconds East along said South line a distance of 21.48 feet; Thence South 22 Degrees 47 Minutes 58 Seconds East a distance of 193.77 feet; Thence South 87 Degrees 53 Minutes 48 Seconds West a distance of 206.81 feet; Thence South 02 Degrees 06 Minutes 12 Seconds East a distance of 20.00 feet; Thence North 87 Degrees 53 Minutes 48 Seconds East a distance of 216.03 feet; Thence South 36 Degrees 43 Minutes 49 Seconds East a distance of 66.02 feet to a point on the centerline of Tennessee Street, said point being 30.78 feet North of the intersection of the centerlines of Tennessee Street and Green Street; Thence South 02 Degrees 10 Minutes 14 Seconds West along the centerline of said Tennessee Street a distance of 30.78 feet to the intersection of the centerlines of Tennessee Street and Green Street; Thence South 88 Degrees 34 Minutes 55 Seconds West along the centerline of said Green Street a distance of 3.11 feet; Thence North 36 degrees 43 Minutes 49 Seconds West a distance of 91.23 feet; Thence South 87 Degrees 53 Minutes 48 Seconds West a distance of 240.11 feet to the West line of said Block 5; Thence North 02 Degrees 10 Minutes 14 Seconds West along said West line a distance of 50.00 feet; Thence North 87 Degrees 53 Minutes 48 Seconds East a distance of 219.41 feet; Thence North 22 Degrees 47 Minutes

58 Seconds West a distance of 172.67 feet to the Point of Beginning.

Encompassing 15,579 Sq. Ft.

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 17<sup>th</sup> day of January, 2017.

  
William Schaiff, Mayor

ATTEST:

  
Cheri Chancellor, City Clerk

