

ORDINANCE NO. 1498

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, DETERMINING THE NECESSITY, AUTHORIZATION AND ACQUISITION OF AN INTEREST IN LAND, PROJECT NO. 21-1190L: SAFE ROUTES TO SCHOOL, 2023, COLUMBUS, KANSAS, STRIP MAP #3 - REVISED, BY CONDEMNATION FOR THE PUBLIC PURPOSE OF A TEMPORARY CONSTRUCTION EASEMENT NECESSARY TO CONSTRUCT SIDEWALKS FOR PUBLIC 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 Safe Routes to School project with the Kansas Department of Transportation, to permanently improve the City sidewalks in the area of West Country Road and South Vermont Avenue within the City limits, designated Safe Routes to School, 2023, Columbus, Kansas, Project No. 21-1190L.

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, sidewalks and utilities.

SECTION 3: The City has determined that in order to carry out such project pursuant to its 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 acquisition of a temporary construction easement upon the following described lands located in Columbus, Cherokee County, Kansas, for the period from May 1, 2023, through December 31, 2023, the temporary accommodation of construction equipment, materials, and excavated earth, and the construction of sidewalks adjacent to the described tract of real estate for public use situated in the City of Columbus, Cherokee County, Kansas, surveyed by a professional engineer, to wit:

A TRACT OF LAND IN LOT 25, LYKINS AND MIDDAUGH'S SUBDIVISION OF LOT THREE (3), IN BLOCK FOUR (4), AND ALL OF BLOCK (5), OF SECOND ADDITION TO THE DOWN (NOW CITY) OF COLUMBUS, CHEROKEE COUNTY, KANSAS, PREPARED BY AL DIEBALL PS 758 FEBRUARY 22, 2022 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 25; THENCE ALONG THE WEST LINE OF SAID LOT 25 AND THE EAST RIGHT-OF-WAY LINE OF VERMONT AVENUE NORTH 8.00 FEET; THENCE PARALLEL TO THE SOUTH LINE OF SAID LOT 25 EAST 300.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF FLORIDA AVENUE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FLORIDA AVENUE SOUTH 8.00 FEET TO THE SOUTH LINE OF SAID LOT 25 AND THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD; THENCE ALONG THE SOUTH LINE OF SAID LOT 25 AND THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD WEST 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2400 SQUARE FEET.

**Property address, commonly known as 431 West Country Road,
Columbus, Kansas 66725.
Strip Map #3- Revised illustration is attached as Exhibit "A"**

SECTION 4: That proceedings in eminent domain shall commence as soon as practicable.

SECTION 5: All ordinances and resolutions and parts thereof in conflict herewith are hereby expressly repealed in so far as they conflict herewith.

SECTION 6: 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 of the City of Columbus, Kansas, this 20th day of June, 2022.

Grant Spieth, Mayor

ATTEST:

Cherri Chancellor, City Clerk

(SEAL)