

ORDINANCE NO. 396

AN ORDINANCE DECLARING THE NECESSITY OF APPROPRIATING CERTAIN PRIVATE PROPERTY BY CONDEMNATION FOR PERMANENT EASEMENTS, TEMPORRARY CONSTRUCTION EASEMENTS AND SEWER CONSTRUCTION PURPOSES ANS AUTHORIZING AND DIRECTING THE APPROPRIATION OF SAID PRIVATE PROPERTY BY CONDEMNATION AND ADOPTING AND APPROVING THE SURVEY AND DESCRIPTION OF LAND REQUIRED AS MADE BY THE CITY ENGINEER AND FILED WITH THE CITY CLERK OF THE CITY OF BASEHOR, KANSAS.

WHEREAS, the City of Basehor, Kansas is a municipal corporation and a city of the third class with the authority to acquire by condemnation any interest on real property for a permanent easement, temporary construction easement and sewer construction purposes for the use of the city as provided by K.S.A. 26-201, et. seq., and K.S.A. 26-501, et. seq. and K.S.A. 26-845; and

WHEREAS, the Governing Body has found it necessary to appropriate certain private property for the purpose of constructing and repairing its sewer lines; and

WHEREAS, the City Engineer will cause a survey for a description of the land required to be completed and filed with the Clerk of the City of Basehor, Kansas; and

WHEREAS, a petition must be filed with the District Court of Leavenworth County, Kansas asking for the appointment of three (3) disinterested householders in the county as commissioners to condemn and appraise said land.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. That the description of the lands to be appropriated, the names of the owners of the property for which land is taken as set forth, and said survey is now on file in the office of the City Clerk in the City of Basehor, Kansas, as follows, to-wit:

Wilming and Associates, Inc:

A 30-foot permanent easement located in the Southwest $\frac{1}{4}$ of Section 2, Township 11 South, Range 22 East, of the 6th Principal Meridian, Leavenworth County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Southwest $\frac{1}{4}$ of said Section 2; thence South $00^{\circ}21'32''$ East along the West line of the Southwest $\frac{1}{4}$ of said Section 2, a distance of 619.65 feet; thence South $85^{\circ}15'59''$ East, 303.83 feet; thence South $73^{\circ}21'40''$ East, 60.01 feet to the Point of Beginning; thence continuing South $73^{\circ}21'40''$ East, 19.94 feet;

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1-19-07 *JA*

thence along a curve to the right, having a radius of 1,030.00 feet, a central angle of 13°32'37", and an initial tangent bearing of South 80°43'49" East, an arc distance of 243.47 feet to Point "A"; thence North 64°14'35" West, 78.68 feet; thence North 73°21'40" West, 185.02 feet; thence South 17°08'08" West, 15.00 feet.

AND

Commencing at the above-described Point "A"; thence along a curve to the right having a radius of 1,030.00 feet, a central angle of 05°51'33", and an initial tangent bearing of South 67°11'12" East, an arc distance of 105.33 feet to the Point of Beginning; thence continuing along said curve to the right, an arc distance of 0.97 feet; thence South 61°13'31" East, 147.77 feet; thence North 14°24'28" East, 7.99 feet; thence North 64°14'35" West, 146.96 feet.

Containing 0.059 acres, more or less.

AND

Also a temporary construction easement lying North of the above-described permanent easement, more particularly described as follows:

Commencing at the Northwest corner of the Southwest ¼ of said Section 2; thence South 00°21'32" East along the West line of the Southwest ¼ of said Section 2, a distance of 619.65 feet; thence South 85°15'59" East, 303.83 feet; thence South 73°21'40" East, 60.01 feet; thence North 17°08'08" East, 15.00 feet to the Point of Beginning; thence South 73°21'40" East, 185.02 feet; thence South 64°14'35" East, 78.68 feet; thence along a curve to the right having a radius of 1,030.00 feet, a central angle of 05°51'33", and an initial tangent bearing of South 67°11'12" East, an arc distance of 105.33 feet; thence South 64°14'35" East, 146.96 feet; thence South 14°24'28" West, 7.99 feet; thence South 61°13'31" East, 25.81 feet; thence North 14°24'28" East, 34.87 feet; thence North 64°14'35" West, 353.40 feet; thence North 73°21'40" West, 186.80 feet; thence South 17°08'08" West, 25.00 feet.

Containing 0.313 acres, more or less.

Carol S. Wilming as Trustee of the Carol S. Wilming Revocable Trust

A 30-foot permanent easement located in the Southwest ¼ and the Northwest ¼ of Section 02, Township 11 South, Range 22 East, of the 6th Principal Meridian, Leavenworth County, Kansas, the centerline of which is described as follows:

Commencing at the Southwest corner of the Southwest ¼ of said Section 02; thence North 89°59'48" East along the South line of the Southwest of said Section 02, 721.63 feet; thence North 00°03'25" East, 554.09 feet to the Point of Beginning; thence North 00°03'25" East, 356.27 feet; thence North 00°01'09" East, 198.00 feet; thence North 00°00'14" East, 352.00 feet; thence North 14°24'28" East, 350.00 feet; thence North 64°15'33" West, 318.00 feet; thence North 73°21'40" West, 243.40 feet to Point "A;" thence North 17°08'08" East, 618.72 feet; thence North 08°00'11" East, 52.32 feet to a point on the South line of the Northwest ¼ of said Section 02, said point being South 89°48'39" East, 496.26 feet from the Southwest corner of the Northwest ¼ of said Section 02; thence continuing North 08°00'11" East, 213.13 feet; thence North

36°27'26" West, 229.55 feet; thence North 10°08'35" West, 260.81 feet; thence North 56°26'37" West, 149.44 feet; thence South 89°44'50" West, 180.87 feet to a point on the existing East right-of-way of 158th Street.

AND

Beginning at the above described Point "A;" thence North 85°15'59" West, 338.06 feet to a point on the existing East right-of-way line of 158th Street.

The limits of said easements to be lengthened or shortened to match the South property line and the existing East right-of-way line of 158th Street.

Containing 2.600 acres more or less.

AND

Also a temporary construction easement lying 25 feet on each side of, parallel to and abutting the above described centerline.

The limits of said temporary construction easement to be lengthened or shortened to match the South property line and the existing East right-of-way line of 158th Street.

Containing 4.235 acres more or less.

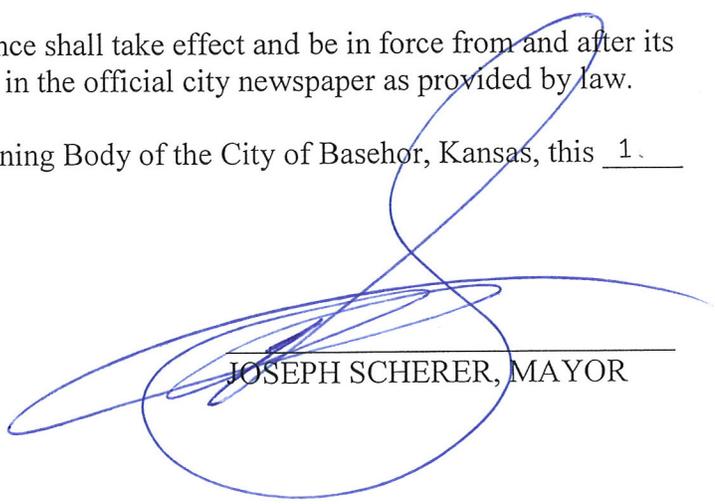
Said property is located within Leavenworth County, City of Basehor, Kansas, and that said property will be appropriated and condemned for the purposes set forth hereinabove.

Section 2. That the City Attorney be authorized to file a petition in the District Court of Leavenworth County, Kansas, asking for the appointment of three (3) disinterested householders in said county as commissioners to condemn and appraise said land.

Section 3. That said condemnation shall be done as provided in K.S.A. 26-201, et. seq., and 26-501, et. seq. and K.S.A. 26-208 and any amendments thereto.

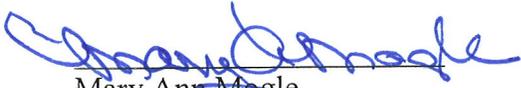
Section 4. That this ordinance shall take effect and be in force from and after its passage, approval, and publication in the official city newspaper as provided by law.

Passed and approved by the Governing Body of the City of Basehor, Kansas, this 1 day of November, 2002.



JOSEPH SCHERER, MAYOR

ATTEST:



Mary Ann Mogle,
City Clerk

Passed and Approved: 11/01/02

Published: ~~12/19/02~~

Read and Approved:



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