

ORDINANCE NO. 394

AN ORDINANCE DECLARING THE NECESSITY OF APPROPRIATING CERTAIN PRIVATE PROPERTY BY CONDEMNATION FOR PERMANENT EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS AND SEWER CONSTRUCTION PURPOSES AND 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:

**D&B Associates, Inc. d/b/a Kelly's Grill**

A permanent easement located in the Southwest  $\frac{1}{4}$  of Section 02, Township 11 South, Range 22 East of the 6<sup>th</sup> Principal Meridian, City of Basehor, Leavenworth County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest  $\frac{1}{4}$  of said Section 02; thence North  $89^{\circ}59'48''$  East along the South line of the Southwest  $\frac{1}{4}$  of said Section 02, 1203.37 feet; thence North  $00^{\circ}01'09''$  West, 107.89 feet to a point on the existing North right of way line of US Highway 24/40 and the Point of Beginning; thence continuing North  $00^{\circ}01'09''$  West, 25.00 feet; thence South  $56^{\circ}19'45''$  East, 18.03 feet to a point 15.00 feet North of said North right of way line as measured perpendicular to said North

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right of way line; thence North 89°58'51" East, 15.00 feet North of and parallel to said North right of way line, 258.00 feet; thence South 00°01'09" East, 15.00 feet to a point on said North right of way line; thence South 89°58'51" West along said North right of way line, 273.00 feet.

Containing 0.096 acres more or less.

AND

Also a temporary construction easement abutting the above described permanent easement more particularly 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 ¼ of said Section 02, 1,203.37 feet; thence North 00°01'09" West, 107.89 feet to a point on the existing North right-of-way line of US Hwy 24/40; thence continuing North 00°01'09" West, 25.00 feet to the Point of Beginning; thence continuing North 00°01'09" West, 135.00 feet; thence North 89°58'51" East, 25.00 feet; thence South 00°01'09" East, 125.00 feet; thence North 89°58'51" East, 248.00 feet; thence South 00°01'09" East, 20.00 feet; thence South 89°58'51" West, 258.00 feet; thence North 56°19'45" West, 18.03 feet.

Containing 0.195 acres more or less.

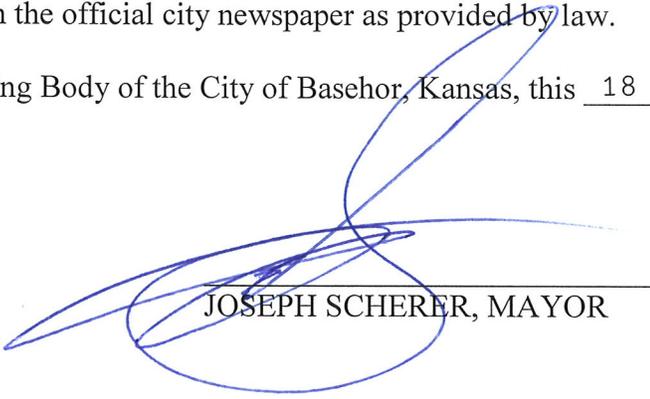
Said property is located within Leavenworth County, City of Basehor, Kansas, and that said property will be appropriated and condemned for the purposes set forth hereinabove.

**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 18 day of November 2002.

  
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JOSEPH SCHERER, MAYOR

ATTEST:

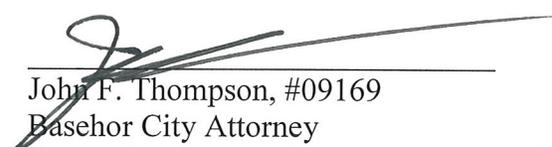


Mary Ann Mogle,  
City Clerk

Passed and Approved: 11/18/02

Published: 12/19/02

Read and Approved:

  
\_\_\_\_\_  
John F. Thompson, #09169

Basehor City Attorney

Davis, Beall, McGuire & Thompson, LLC

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