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ORDINANCE NO. 26

AN ORDINANCE DECLARING THE NECESSITY OF APPROPRIATING CERTAIN PRIVATE PROPERTY BY CONDEMNATION FOR THE PURPOSE OF CONSTRUCTING SEWER FACILITIES, AND TO ACQUIRE EASEMENTS BOTH TEMPORARY AND PERMANENT FOR SEWER LINES BOTH MAIN AND LATERAL, FOR THE CONSTRUCTION THEREOF, AND AUTHORIZING AND DIRECTING THE APPROPRIATION OF 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 in real property when it shall be deemed necessary by the Governing Body, as provided in K.S.A. 26-201; and

WHEREAS, The Governing Body has found it necessary to appropriate certain private property by condemnation for the purpose of constructing sewer facilities and to acquire easements both Temporary and Permanent for construction of sewer lines; and

WHEREAS, the City Engineer has made a Survey of the land for such purposes including construction easement and has filed the same with the City Clerk 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 freeholders as commissioners to condemn and appraise said land required for such purposes.

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

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

PARCEL #48 - Joseph A. Wilmot, Owner

Beginning at a point on the East line of the Northwest Quarter of the Southeast Quarter of Section 34, Township 10, Range 22, Leavenworth County, Kansas, said point being 100.0 feet, more or less South of the Northeast corner of said Quarter Section; thence South along said East line 390.0 feet; thence West 945.0 feet; thence North 390.0 feet; thence East 945.0 feet, to the beginning.
Containing 8.46 acres, more or less. Title to be taken in fee.

PARCEL #44 - Winnifred Hein, Robert W. Hein and Pauline E. Nance, as joint tena with the right of survivorship, Owners

A 10.0 foot wide permanent easement lying along and 5.0 feet on either side of the following described line: Beginning at a point 749.2 feet, more or less South and 170.0 feet, more or less East of the Northwest corner of Section 35, Township 10, Range 22, in the Town of Basehor, Leavenworth County, Kansas; thence East a distance of 124.0 feet, more or less, to a

Point located 749.2 feet, more or less South and 294.0 feet, more or less East of the Northwest corner of said Section 35 in Leavenworth County, Kansas, said line lying in now vacated Lot 19, Block 1, First and Second Additior Original Town of Basehor;
AND an adjacent 25.0' wide temporary construction easement lying to the North of the above described permanent easement.

PARCEL#35 - Robert W. Eberth, Owner

A ten foot wide permanent easement lying along and to the East of the following described line: Beginning at a point onthe North line of Section 34, Township 10, Range 22, Leavenworth County, Kansas, said point being located 1648.12 feet, more or less West of the Northeast corner of said Section 34; thence South 660.78 feet, more or less to the point of termination;
AND a 25.0 foot wide temporary construction easement lying adjacent to and East of the above described permanent easement.

PARCEL #34 - Robert W. Eberth, Owner

A ten foot wide permanent easement lying along and to the North of the following described line: Beginning at a point located 1648.12', more or less West of and 400.0 feet, more or less South of the Northeast corner of Section 34, Township 10, Range 22, Leavenworth County, Kansas; thence East and parallel to the North line of said Section 34 a distance of 329.62 feet, more or less to a point of termination;
AND a 25.0 foot wide temporary construction easement lying adjacent to and North of the above described permanent easement.

PARCEL #33 - George W. Hawkins and Charles W. Hedge, Owners

A 10.0' wide permanent easement lying along and 5.0' on either side of the following described line: Beginning at a point on the North line, 850.0' ml, West of the Northeast corner of the Northeast Quarter of the Southeast Quarter of Section 34, Township 10, Range 22 in Leavenworth County, Kansas; thence South 56°30'00" West a distance of 202.5 feet, more or less; thence South 85°00'00" West a distance of 300.0 feet, more or less, to the point of termination located on the West line, 130.0 feet, more or less South of the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 34, Township 10, Range 22, Leavenworth County, Kansas.

AND an adjacent 25.0 foot wide temporary construction easement lying Northwesterly of the above described permanent easement.

PARCEL #28 - Robert W. Eberth, Owner

A ten foot wide permanent easement lying along and North of the following described line: Beginning at a point 1318.50 feet, more or less West and 400.0 feet, more or less South of the Northeast corner of Section 34, Township 10, Range 22, Leavenworth County, Kansas; thence East a distance of 619.0 feet, more or less, to a point on the West Right-of-Way line of Hickory Street in the Town of Basehor, Kansas, said point being 400.0 feet, more or less South of the North line of said Section 34

AND a 25.0 foot wide temporary construction easement adjacent to and North of the above described permanent easement;

said property all being located in the City of Basehor, Kansas, or immediately adjacent thereto and that said property shall be appropriated and condemned for the purpose of constructing sewer facilities and to acquire easements both Temporary and Permanent for the construction of sewer facilities and sewer lines in the City of Basehor, Kansas, and adjacent thereto.

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

Section 3: That said condemnation shall be done as provided for in K.S.A. 26-501 through K.S.A. 26-516 inclusive 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 Tonganoxie Mirror, the official newspaper of the City of Basehor, Kansas.

Bernard R. Eberth
~~Joe L. Meyer~~ Acting, Mayor

ATTEST:

Charles E. Newman
Charles Newman, City Clerk

PASSED & APPROVED:

Nov. 24, 1969

PUBLISHED:

Nov. 26, 1969