

ORDINANCE NO. 1037

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR EXPANSION OF THE CITY'S SANITARY SEWER COLLECTION SYSTEM AND ASSOCIATED IMPROVEMENTS

WHEREAS, K.S.A. 26-201 requires that, prior to commencing condemnation proceedings, the Governing Body, by passage of an ordinance, authorize and provide for the acquisition of land or interest needed by the City, set forth the land or interest to be condemned, state for what purpose the condemned land or interest in land is to be used, and, if applicable, designate, as a benefit district, property specifically benefited by the proposed improvement.

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

Section 1. That the description and survey of a permanent sanitary sewer easement and temporary construction easement (necessary for the City to construct a new sanitary sewer pump station and connect it to the Big Bull Creek Wastewater Treatment Facility located at the southwest corner of Interstate 35 and Homestead) -- adjoining and parallel to the eastern side of Sunflower Road just outside of the east corporate boundaries of the City of Edgerton, Johnson County, Kansas -- as prepared and approved by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 08/25/16D (adopted by the Governing Body of the City of Edgerton, Kansas on August 25, 2016), are hereby approved.

Section 2. That the action of the Governing Body of the City of Edgerton, Kansas in acquiring the easements necessary for the City to construct a new sanitary sewer pump station and connect it to the Big Bull Creek Wastewater Treatment Facility located at the southwest corner of Interstate 35 and Homestead has been declared necessary by the Governing Body.

Section 3. That the acquisition of a temporary and permanent easement, as described herein and in the attached **Exhibit A**, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

Section 4. That there be and there is hereby declared to be public necessity to acquire, by Eminent Domain Proceedings for the purpose of the City constructing a new sanitary sewer pump station and connecting it to the Big Bull Creek Wastewater Treatment Facility located at the southwest corner of Interstate 35 and Homestead -- adjoining and parallel to the eastern side of Sunflower Road just outside of the east corporate boundaries of the City of Edgerton, Johnson County, Kansas -- the easements referenced in Section 1 of this Ordinance, and legally described in the attached **Exhibit A**.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 13th day of October, 2016.

Donald Roberts, Mayor

(Seal)

ATTEST:

Janeice Rawles, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney

EXHIBIT A

OWNER: MID-STATES VENTURES, LLC

DESCRIPTION: PERMANENT EASEMENT

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, SAID POINT OF BEGINNING BEING 25.50 FEET N.88°18'48"E. (BEING AN ASSUMED BEARING) FROM THE WEST QUARTER CORNER OF SAID SECTION 8; THENCE
N.2°23'06"W. 1114.26 FEET; THENCE
N.17°00'08"W. 22.51 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SUNFLOWER ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SUNFLOWER ROAD
N.02°24'46"W. 39.70 FEET; THENCE
S.17°00'08"E. 62.21 FEET; THENCE
S.02°23'06"E. 1115.66 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8
S.88°18'48"W. 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.266 ACRES.

DESCRIPTION: TEMPORARY EASEMENT

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 8, SAID POINT OF BEGINNING BEING 20.00 FEET N.88°18'48"E. (BEING AN ASSUMED BEARING) FROM THE WEST QUARTER CORNER OF SAID SECTION 8 AND ON THE EAST RIGHT-OF-WAY LINE OF SUNFLOWER ROAD; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 8
N.88°18'48"E. 80.46 FEET; THENCE
N.2°22'58"W. 1124.79 FEET; THENCE
N.17°27'39"W. 149.02 FEET; THENCE
N.40°15'31"W. 68.33 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID SUNFLOWER ROAD; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SUNFLOWER ROAD

S.2°23'39"E. 1321.64 FEET TO THE POINT OF BEGINNING, CONTAINING
1.750 ACRES EXCLUDING THE ABOVE DESCRIBED PERMANENT
EASEMENT.