

ORDINANCE NO. 1042

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR INSTALLATION OF SIDEWALKS

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 permanent easements and temporary [one year after City has legal access to easement] construction easements necessary for the City's installation of sidewalks along the East side of West 8th Street from Heather Knoll Drive to Nelson Street, all within the City of Edgerton and Johnson County (hereinafter referred to as "West 8th Street Sidewalk Project") -- as prepared by the City's retained engineering consultants, approved by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 11-10-16A (adopted by the Governing Body of the City of Edgerton, Kansas on November 7, 2016) -- are hereby approved.

Section 2. That the action of the Governing Body of the City of Edgerton, Kansas in acquiring easements necessary for the West 8th Street Sidewalk Project within the corporate boundaries of Edgerton, Kansas has been declared necessary by the Governing Body.

Section 3. That the acquisition of temporary and permanent easements, as described hereinafter, 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 West 8th Street Sidewalk Project, 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.

Section 6. Ordinance No. 1041, adopted by the City Council on December 8, 2016, is hereby repealed.

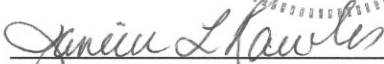
PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 12th day of January, 2017.



Donald Roberts, Mayor

(Seal)

ATTEST:


Janeice Rawles, City Clerk

APPROVED AS TO FORM:


Patrick G. Reavey, City Attorney

EXHIBIT A

Tract 5

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 29, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 7 feet of said Lot 29.

Contains 560 square feet or 0.013 acres more or less.

Tract 6

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 28, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 6 feet of said Lot 28.

Contains 420 square feet or 0.010 acres more or less.

Tract 7

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 27, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 6 feet of said Lot 27.

Contains 420 square feet or 0.010 acres more or less.

Tract 9

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 25, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50

at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 6 feet of said Lot 25.

Contains 420 square feet or 0.010 acres, more or less.

Tract 10

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 24, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 5 feet of said Lot 24.

Contains 350 square feet or 0.008 acres more or less.

Tract 11

Permanent Sidewalk Easement

A Permanent Sidewalk Easement being located in Lot 23, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows.

Beginning at the Southwest corner of said Lot 23 and the East right-of-way line of West 8th Street, as now established; Thence North 01° 36' 24" West (this and all following bearings are based on the Kansas State Plane, North Zone) along said East right-of-way line, a distance of 6.48 feet; Thence South 56° 24' 24" East, a distance of 11.14 feet to the North right-of-way line of Edgewood Drive, as now established; Thence South 88° 02' 34" West, a distance of 9.11 feet to the point of beginning.

Contains 30 square feet or 0.001 acres more or less.

Tract 11

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 23, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows.

Commencing at the Southwest corner of said Lot 23 and the East right-of-way line of West 8th Street, as now established, North 01° 36' 24" West, (this and all following bearings are based on the Kansas State Plane, North Zone) along said East right-of-way line of said West 8th Street, a distance of 6.48 feet, to the Point of Beginning. Thence North 01° 36' 24" West continuing along said East right-of-way line, a distance of 113.52 feet to the North line of said Lot 23; Thence North 88° 02' 34" East along said North line, a distance of 5.00 feet; Thence South 01° 36' 24" East, along a line 5.00 feet east of and parallel to said East line, a distance of 112.97 feet; Thence South 59° 22' 39" East, a distance of 13.00 feet to the North right-of-way line of Edgewood Drive, as now established; Thence South 88° 02' 24" West, along said North right-of-way line, a distance of 6.89 feet; Thence North 56° 24' 24" West, a distance of 11.14 feet to the point of beginning.

Contains 500 square feet or 0.011 acres more or less.

Tract 13

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 123, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 5 feet of said Lot 123.

Contains 380 square feet or 0.009 acres more or less.

Tract 14

Temporary Construction Easement

A Temporary Construction Easement being located in Lot 124, GLENDALE ACRES THIRD PLAT, a subdivision in the City of Edgerton, Johnson County, Kansas and recorded at the Office of the Register of Deeds of Johnson County, Kansas, in Book 50 at Page 18 and being more particularly described by Kenneth J. Dedrick this 21st day of June, 2016 as follows:

The West 5 feet of said Lot 124.

Contains 350 square feet or 0.008 acres more or less.