

ORDINANCE 1376-22

AN ORDINANCE OF THE CITY OF VALLEY CENTER, KANSAS, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF A TEMPORARY ROAD CONSTRUCTION EASEMENT, FOR A PERMANENT ROADWAY RIGHT OF WAY EASEMENT, AND A PERMANENT PUBLIC SIDEWALK, DRAINWAY AND UTILITY EASEMENT ALONG A PORTION OF NORTH SENECA STREET AND 77TH STREET THAT ADJOIN VALLEY CENTER, KANSAS

BE IT ORDAINED by the Governing Body of the City of Valley Center, Kansas:

SECTION ONE. Pursuant to the authority of condemnation granted to Kansas cities by K.S.A. 26-201 and K.S.A. 26-501, et seq., the Valley Center City Council has determined it is necessary to acquire by condemnation a temporary construction easement, a permanent road right of way easement, and a permanent easement to construct and install sidewalks, drain ways and utilities, over and on the property described below, to facilitate the planned construction of a reconfiguration of North Seneca Street, and for the construction of sidewalks, drain ways and utility easements along 77th Street, that adjoin Valley Center, Kansas.

SECTION TWO. Pursuant to said authority, a temporary construction easement is hereby condemned in the following described real property within Sedgwick County, Kansas, the described temporary construction easement interest to be taken, and the name of the owner, and person in possession as known to the plaintiff:

Tract 1

Legal Description:

The South half of the East half of the Southeast Quarter of Section 31, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the South 430 feet of the east 238 feet thereof.

Interest Taken:

A Temporary Road Construction Easement to April 30, 2023, described as follows:

Commencing at the Southeast corner of the Southeast Quarter (SE/4) of Section 31, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence bearing S89°15'22"W along the South line of said Southeast Quarter (SE/4), a distance of 238.81 feet; thence bearing N00°44'38"W perpendicular from the South line of said Southeast Quarter (SE/4), a distance of 60.00 feet to the Point of Beginning; thence bearing S89°15'22"W parallel with the South line of said Southeast Quarter (SE/4), a distance of 30.00 feet; thence bearing N01°30'58"W parallel with the East line of said Southeast Quarter (SE/4), a distance of 150.00 feet; thence bearing N89°15'22"E parallel with the South line of said Southeast Quarter (SE/4), a distance of 30.00 feet; thence bearing

S01°30'58"E parallel with the East line of said Southeast Quarter (SE/4), a distance of 150.00 feet to the Point of Beginning; containing 0.10 acres, more or less.

Owners:

William E. Kingsbury, Vicki Sue Kingsbury and Vicki Sue Kingsbury as the Conservator of Jack Franklyn Reffner.

Lienholder:

Sedgwick County Kansas Treasurer

Persons in Possession:

None

SECTION THREE. Pursuant to said authority a Road Right of Way Easement is hereby condemned in the following described real property in Sedgwick County, Kansas adjacent to the present North Seneca Street Right of Way with the described Road Right of Way Interest to be taken and the name of the owner, lienholder of record and person in possession as known to the Plaintiff:

Tract 2

Tract Legal Description:

The South half of the East half of the Southeast Quarter of Section 31, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the South 430 feet of the east 238 feet thereof.

Interest Taken:

A Road Right of Way easement to reconstruct a road described as follows:

Commencing at the Southeast Corner of the Southeast Quarter (SE/4) of Section 31, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence bearing N01°30'58"W along the East line of said Southeast Quarter (SE/4), a distance of 430.40 feet; thence bearing S88°29'02"W perpendicular from the East line of said Southeast Quarter (SE/4), a distance of 30.00 feet to the Point of Beginning; thence bearing S89°15'22"W parallel with the South line of said Southeast Quarter (SE/4), a distance of 103.95 feet; thence bearing N25°59'20"E, a distance of 115.13 feet; thence bearing N07°54'24"E, a distance of 126.88 feet; thence bearing N89°15'22"E parallel with the South line of said Southeast Quarter (SE/4), a distance of 30.00 feet; thence bearing S01°30'58"E parallel with the East line of said Southeast Quarter (SE/4), a distance of 228.28 feet to the Point of Beginning; together containing 1.04 acres, more or less.

Owners:

William E. Kingsbury, Vicki Sue Kingsbury and Vicki Sue Kingsbury as the Conservator of Jack Franklyn Reffner.

Lienholder:

Sedgwick County Kansas Treasurer

Persons in Possession:

None

SECTION FOUR. Pursuant to said authority an easement for the construction, installation and use of public sidewalks, drain ways and underground utilities is hereby condemned in the following described real property in Sedgwick County, Kansas, with the described permanent easement interest to be taken and the name of the owner, lienholder of record and person in possession as known to the Plaintiff.

Tract 3

Tract Legal Description:

The South half of the East half of the Southeast Quarter of Section 31, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the South 430 feet of the east 238 feet thereof.

Interest Taken:

A permanent utility easement to construct and install, for the use of the public, sidewalks, drain ways and underground utilities in that property described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 31, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas; thence bearing S89°15'22"W along the South line of said Southeast Quarter (SE/4), a distance of 238.40 feet; thence bearing N00°44'38"W perpendicular from the South line of said Southeast Quarter (SE/4), a distance of 30.00 feet to the Point of Beginning; thence bearing N01°30'58"W parallel with the East line of said Southeast Quarter (SE/4), a distance of 30.00 feet; thence bearing S89°15'22"W parallel with the South line of said Southeast Quarter (SE/4), a distance of 1081.15 feet; thence bearing S01°30'58"E parallel with the East line of said Southeast Quarter (SE/4), a distance of 30.00 feet; thence bearing N89°15'22"E parallel with the South line of said Southeast Quarter (SE/4), a distance of 1081.15 feet to the Point of Beginning, "thence bearing S. 89° 15' 22" W along the south line" to the Point of Beginning.

Owners:

William E. Kingsbury, Vicki Sue Kingsbury and Vicki Sue Kingsbury as the Conservator of Jack Franklyn Reffner.

Lienholder:

Sedgwick County Kansas Treasurer

Persons in Possession:

None

SECTION FIVE. The city attorney is directed, as soon as practical after the passage of the ordinance, to proceed to execute the city's power of eminent domain provided for by K.S.A. 26-201 in accordance with K.S.A. 26-501, et seq.

SECTION SIX. That the costs of said acquisition when ascertained shall be paid from the proceeds of general improvement bonds of the City of Valley Center, Kansas, to be issued for such improvements.

SECTION SEVEN. This ordinance shall take effect on its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Valley Center, Kansas, this 19th day of April, 2022.

1st reading- waived

Lou Cicirello, Mayor

Kristi Carrithers, City Clerk