

ORDINANCE NO. 930

AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN PROPERTY FOR THE PURPOSE OF CONSTRUCTING A PEDESTRIAN/BICYCLE TRAIL PURPOSES.

WHEREAS, the City of Edwardsville, Kansas plans for the construction of a pedestrian/bicycle trail serving an area between Edwardsville City Park and the Edwardsville Community Center (KDOT Project No. 105 N-0589-01) (the "Project"), and finds it necessary to appropriate certain interests in private property for use in said project

WHEREAS, the City has been unable to procure the property by negotiation and finds it necessary to resort to its condemnation authority.

WHEREAS, cities are authorized to condemn property for public purposes pursuant to the authority of K.S.A. 26-201 et. seq.

WHEREAS, the Governing Body did adopt Resolution No. 2014-04 on March 10, 2014, finding that the proposed Project is in the public interest, that it is necessary to acquire certain property interests by condemnation and directing the engineering firm, CFS Engineers to survey the subject property and provide a surveyed description of the land and interests to be condemned for the purpose of said sanitary sewer project.

WHEREAS, CFS Engineers completed the survey and legal descriptions as directed and filed with the City Clerk the required surveyed descriptions of the land and interests to be acquired by condemnation, attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Edwardsville, Kansas and pursuant to the condemnation authority referenced above, the Governing Body of the City of Edwardsville, Kansas, hereby provides and authorizes the following:

Section 1. That the Project is in the public interest.

Section 2. That the City has been unable to acquire the subject property to construct the Project by negotiation and must, therefore, resort to its condemnation authority pursuant to K.S.A. 26-201, et seq. to acquire the property.

Section 3. That the Governing Body hereby directs the condemnation proceedings be initiated in the District Court of Wyandotte County, Kansas, to condemn, for public use in the Project, the following described properties:

Parcel	Street Address	Owner
258603	845 S. 9 th St, Edwardsville, KS 66111	Standard Motor Products Inc.

Section 4. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 24TH DAY OF MARCH, 2014.



ATTEST:



 John McTaggart, Mayor



Tamara A. Harris, City Clerk

APPROVED AS TO FORM:



 David K. Duckers, City Attorney

Attachment 'A'

Lot 7 Edwardsville Industrial Park
Parcel No. 221406
Owner of Record: Standard Motor Products Incorporated

Permanent Trail/Shared Use Path Easement

A PERMANENT TRAIL/SHARED USE PATH EASEMENT IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 SOUTH, RANGE 23 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN THE CITY OF EDWARDSVILLE, WYANDOTTE COUNTY, KANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 7 EDWARDSVILLE INDUSTRIAL PARK 2ND PLAT A RE-PLAT OF LOTS 7, 8, AND 9 OF EDWARDSVILLE INDUSTRIAL PARK A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 25 AND THE NORTHWEST QUARTER OF SECTION 36 ALL IN TOWNSHIP 11 SOUTH, RANGE 23 EAST IN EDWARDSVILLE, WYANDOTTE COUNTY, KANSAS, THENCE NORTH 02 DEGREES 03 MINUTES 05 SECONDS WEST ALONG THE EASTERLY PROPERTY LINE OF SAID LOT 7, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING:

THENCE SOUTH 87 DEGREES 42 MINUTES 07 SECONDS WEST, A DISTANCE OF 51.88 FEET; THENCE NORTH 61 DEGREES 54 MINUTES 41 SECONDS EAST, A DISTANCE OF 57.74 FEET TO A POINT ON THE EASTERLY PROPERTY LINE OF SAID LOT 7; THENCE SOUTH 02 DEGREES 03 MINUTES 05 SECONDS EAST ALONG SAID PROPERTY LINE, A DISTANCE OF 25.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.01 ACRES (652 SQUARE FEET), MORE OR LESS.

SAID TRACT BEING PART OF THE FOLLOWING DESCRIBED PROPERTY.

LOT 7 EDWARDSVILLE INDUSTRIAL PARK 2ND PLAT A RE-PLAT OF LOTS 7, 8, AND 9 OF EDWARDSVILLE INDUSTRIAL PARK A SUBDIVISION OF LAND IN THE SOUTHWEST QUARTER OF SECTION 25 AND THE NORTHWEST QUARTER OF SECTION 36 ALL IN TOWNSHIP 11 SOUTH, RANGE 23 EAST IN EDWARDSVILLE, WYANDOTTE COUNTY, KANSAS.

