ORDINANCE NO. 960

AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN PROPERTY FOR THE PURPOSE OF CONSTRUCTING A SEWER SYSTEM.

WHEREAS, the City of Edwardsville, Kansas plans to undertake the construction of a sewer system generally known as the LTC sewer project (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. 2014-13 on January 27, 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, BHC Rhodes, to survey the subject property and provide a surveyed description of the land and interests to be condemned for the purpose of said street widening and street reconstruction project.

WHEREAS, BHC Rhodes 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	601 Village West Parkway	Kansas International Speedway Corporation

Section 3. 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 11th DAY OF APRIL 11, 2016.

John McTaggart, Mayor

ATTEST:

Zachary Daniel, City Clerk

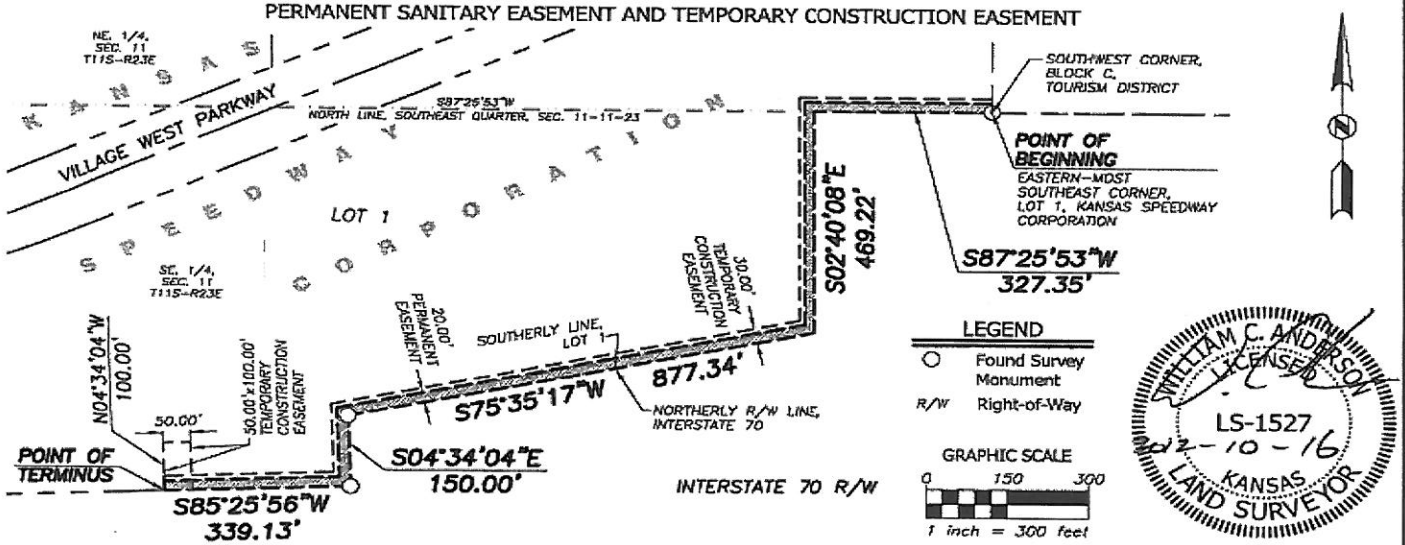
APPROVED AS TO FORM:

David K. Duckers, City Attorney

Exhibit A

EXHIBIT

PERMANENT SANITARY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT



EASEMENT DESCRIPTIONS

PERMANENT EASEMENT:

A 20.00 feet wide Strip of land being part of Lot 1, KANSAS SPEEDWAY CORPORATION, a subdivision of land in Kansas City, Wyandotte County, Kansas, the southerly line of said Strip being the southerly line of said Lot 1, also being the northerly Right-of-Way line of Interstate 70, and the northerly line of said Strip lying 20.00 feet northerly of and parallel with said southerly line, more particularly described as follows:

(Note: For course orientation the bearings in this description are based on the North line of the Southeast Quarter of Section 11, Township 11 South, Range 23 East, also being a portion of the southerly line of said Lot 1, having a bearing of South 87° 25' 53" West as shown on the recorded plat of said KANSAS SPEEDWAY CORPORATION.)

Beginning at the eastern-most Southeast corner of said Lot 1, also being the Southwest corner of Block C, TOURISM DISTRICT, a subdivision of land in said city, county and state; Thence on the southerly line of said Lot 1, also being the northerly right-of-Way line of Interstate 70, the following 5 courses and distances: 1) South 87° 25' 53" West 327.35 feet; 2) Thence South 02° 40' 08" East 469.22 feet; 3) Thence South 75° 35' 17" West 877.34 feet; 4) Thence South 04° 34' 04" East 150.00 feet; 5) Thence South 85° 25' 56" West 339.13 feet to the Point of Terminus of said Strip, said Strip containing 43,273 square feet or 0.9934 acres,

AND

TEMPORARY CONSTRUCTION EASEMENT:

A 30.00 feet wide Temporary Construction Easement, the southerly line being the above described line, the northerly line lying 30.00 feet northerly of and parallel with the above described line; **ALSO**, a 50.00 feet by 100.00 feet Strip of land for a Temporary Construction Easement, the West line of said Strip being more particularly described as follows; Beginning at the above described Point of Terminus, Thence North 04° 34' 04" West 100.00 feet. The East line of said Strip lying 50.00 feet East of and parallel with the above described line, the entire extents of all Temporary Construction Easements containing 68,420 square feet or 1.5707 acres;

The sidelines of the above described Strips are to be trimmed or extended to intersect at all course changes, and extended or shortened to intersect and terminate at the easterly line of said Lot 1.

BHC RHODES
CIVIL ENGINEERS • SURVEYORS
901 N. 8th Street, Suite 100 Kansas City, KS 66101
p. (913) 371-5300 f. (913) 371-2677
BHC RHODES is a trademark of Burgerett Hamstich & Campbell, P.A.

Client: CITY OF EDWARDSVILLE
PO BOX 13738
EDWARDSVILLE, KS 66113

Project: EASEMENT EXHIBIT
Pt. of Lot 1,
KANSAS SPEEDWAY CORP.
KANSAS CITY,
WYANDOTTE CO., KANSAS

Drawn By:	DD
Project No:	015020.00.01
Field Date:	10/26/2011
Issue Date:	10/16/2012
Sheet:	1 OF 1

Oct 16, 2012 - 9:51am Plotted by: Darrell.Delap I:\015020\DWG\Survey\015020-SurvEsmt01_Lot1,KnsSpdwyCorp.dwg