

(Published in The Wathena Times, December 17, 1992)1t.

ORDINANCE NO. 456

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY OF PRIVATE PROPERTY FOR THE USE BY THE CITY OF WATHENA FOR PLACEMENT OF A SANITARY SEWER LINE AND FOR A MEANS OF ACCESS TO SAID SEWER LINE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

1. The Governing Body of the City of Wathena, Kansas, hereby authorizes the acquisition of temporary and permanent easements and rights-of-way upon, over, under and through the following described tracts of real estate, to wit:

TRACT I

A permanent 20 foot wide utility easement, 10 feet on each side of the following described baseline:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3 South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line of said SW1/4, 1983.24 feet; thence N 00 degrees 24' 06" W, 189.94 feet, to the TRUE POINT OF BEGINNING; thence N 77 degrees 28' 57" W, 144.62 feet, to the POINT OF TERMINATION.

Together with a 50 foot wide temporary construction easement, 25 feet on each side of the above described baseline.

(Owners: Estate of George W. Dockhorn, Deceased and Estate of Kathe D. Walters, Deceased);

TRACT II

A permanent 20 foot wide utility easement, 10 feet on each side of the following described baseline:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3

South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line of said SW1/4, 1471.35 feet; thence N 00 degrees 13' 29" E, 150.00 feet; thence N 89 degrees 46' 50" W, 172.61 feet; thence N 38 degrees 34' 52" E, 38.26 feet, to the TRUE POINT OF BEGINNING; thence N 89 degrees 46' 50" W, 319.17 feet; thence N 77 degrees 28' 57" W, 46.91 feet to the POINT OF TERMINATION.

Together with a 50 foot wide temporary construction easement, 25 feet on each side of the above described baseline.

A 15 foot wide temporary construction easement, 15 feet on the Northerly side of the following described line:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3 South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line of said SW1/4, 1471.35 feet; thence N 00 degrees 13' 29" E, 150.00 feet; thence N 89 degrees 46' 50" W, 172.61 feet; thence N 38 degrees 34' 52" E, 38.26 feet, to the TRUE POINT OF BEGINNING; thence N 38 degrees 34' 52" E, 130.57 feet, to the POINT OF TERMINATION.

A permanent 20 foot wide utility easement, 10 feet on each side of the following described baseline:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3 South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line of said SW1/4, 1471.35 feet; thence N 00 degrees 13' 29" E, 150.00 feet; thence N 89 degrees 46' 50" W, 172.61 feet; thence N 38 degrees 34' 52"

E, 38.26 feet, to the TRUE POINT OF BEGINNING; thence N 89 degrees 46' 50" W, 319.17 feet; thence N 77 degrees 28' 57" W, 46.91 feet to the POINT OF TERMINATION.

Together with a 50 foot wide temporary construction easement, 25 feet on each side of the above described baseline.

(Owners: John L. Fetter and New Skelgas, Inc.);

TRACT III

A permanent 30 foot wide utility easement, 20 feet on the Northerly side and 10 feet on the Southerly side of the following described baseline:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3 South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line said SW1/4, 97.64 feet to a point on the Easterly Right-of-Way line (R/W) of U.S. Highway 36 (Hwy. 36); thence following said R/W line, N 51 degrees 25' 08" W, 1215.41 feet; thence N 01 degrees 18' 15" W, 73.10 feet, to the TRUE POINT OF BEGINNING; thence N 69 degrees 49' 03" E, 870.93 feet to the POINT OF TERMINATION.

Together with a 60 foot wide temporary construction easement, 35 feet on the North and 25 feet on the South of the above described utility Easement Baseline.

(Owners: Breit Properties, Ltd., a Limited South Dakota Partnership and Rollie G. Fehrman and Nadine C. Fehrman Trust);

TRACT IV

A permanent 10 foot wide utility easement, on the Southerly side of the following described baseline:

Commencing at the Southeast Corner of the Southwest One-Quarter (SW 1/4) of Section 27, Township 3

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South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 89 degrees 47' 32" W (assumed bearing) along the South line of said SW1/4, 1471.35 feet; thence N 0 degrees 13' 29" E, 150.00 feet; thence N 89 degrees 46' 50" W, 172.61 feet to the TRUE POINT OF BEGINNING; thence N 38 degrees 34' 52" E, 642.47 feet to a point on the Southerly Right-of-Way line of U.S. Highway 36, and the POINT OF TERMINATION,

Together with a 25 foot wide temporary construction easement, on the Southerly side of the above described baseline,

AND,

A permanent 20 foot wide utility easement, 10 feet each side of the following described baseline:

Commencing at the Southwest Corner of the Southwest One-Quarter (SW1/4) of Section 27, Township 3 South, Range 22 East, of the Sixth Principal Meridian, Doniphan County, Kansas; thence N 0 degrees 12' 32" E (assumed bearing) along the West line of said SW1/4, 334.91 feet, to the TRUE POINT OF BEGINNING; thence N 44 degrees 44' 18" E, 43.02 feet; thence N 0 degrees 14' 42" W, 105.00 feet; thence N 34 degrees 26' 56" E, 29.75 feet; thence S 55 degrees 41' 52" E, 357.21 feet; thence S 66 degrees 12' 36" E, 160.00 feet; thence S 77 degrees 28' 57" E, 47.59 feet, to the POINT OF TERMINATION,

Together with a 50 foot wide temporary construction easement, 25 feet on each side of the above described baseline,

(Owners: Edwin D. Ford and Carolyn K. Ford)

together with the right of ingress to and egress from the above described real estate for all purposes incident to the full and complete use and exercise of the above described easement premises.

2. The purpose for acquiring said permanent and temporary construction easements and rights-of-way to the above

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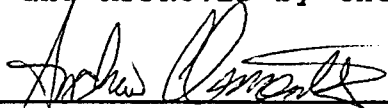
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described real estate is for the use, by the City of Wathena, Kansas, to construct, lay, maintain, operate, repair, replace, change and remove pipelines for the transportation, conveyance and movement of raw sewage and all other sanitary sewage materials, effluents and deposits together with such pipes, valves, fittings and other appurtenances as may be necessary or convenient to the operation of such sanitary sewage pipe and line.

3. The above described temporary and permanent easements and rights of way are to be obtained by the City of Wathena, Kansas, by the power of eminent domain in accordance with the provisions of K.S.A. 26-201, K.S.A. 26-501 to 26-516, inclusive.

4. This ordinance shall take effect and be in force from and after its publication in The Wathena Times, official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 15th day of December, 1992.



Andrew Clements, Mayor

ATTEST:

(SEAL)



Laralee Miller, City Clerk