

## ORDINANCE NO. 561

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN REAL ESTATE AND THE ACQUISITION OF TEMPORARY CONSTRUCTION EASEMENT IN CERTAIN REAL ESTATE FOR THE USE BY THE CITY OF WATHENA FOR WASTEWATER LAGOON EXPANSION, BY CONDEMNATION.

WHEREAS, the Governing Body of the City of Wathena, Kansas, by resolution dated the 24th day of January, 2005, has deemed it necessary to acquire fee simple title to certain real estate and to acquire a temporary construction easement to be used for wastewater lagoon expansion for the City of Wathena, Kansas; and,

WHEREAS, Shafer, Kline & Warren, Inc., Engineer for the City of Wathena, Kansas, has filed with the Wathena City Clerk, a survey and description of the interests in the land to be condemned by the City of Wathena, Kansas.

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 by condemnation the acquisition of fee simple title to the following described real estate, to wit:

All that part of the Northwest Quarter of Fractional Section 34, Township 3 South, Range 22 East of the Sixth Principle Meridian, in Doniphan County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter Section; thence South 87 degrees 56 minutes 37 seconds West along the North line of said Northwest Quarter Section, a distance of 1190.08 feet to the Northeast corner of the tract of land as described in the Warranty Deed recorded in Book 210 at Page 15 at the Register of Deeds office in said County; thence South 02 degrees 41 minutes 55 seconds East (South, deed) along the Easterly line of said Warranty Deed, a distance of 272.00 feet (272.0', deed) to the Southeast corner thereof, said corner being also the most Easterly Northeast corner of the tract of land as described in the Warranty Deed recorded in Book 210 at Page 113 at said Register of Deeds office; thence South 02 degrees 41 minutes 55 seconds East (South, deed) along the East line of said Warranty Deed, a distance of 241.44 feet (241.44', deed) to the Southeast corner thereof; thence South 87 degrees 56 minutes 37 seconds West (West, deed) along the Southerly line of said Warranty deed, a distance of 93.17 feet; thence South 02 degrees 25 minutes 40 seconds East, no longer along the Southerly line of said Warranty Deed, a distance of 796.77 feet; thence South 00 degrees 00 minutes 00 seconds

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West, 200.00 feet to the Point of Beginning of the tract of land to be herein described; thence North 90 degrees 00 minutes 00 seconds East, 676.00 feet; thence South 00 degrees 00 minutes 00 seconds East, 676.00 feet; thence South 90 degrees 00 minutes 00 seconds West, 829.06 feet, more or less, to a point on the Northerly prolongation of the Easterly line of the tract of land described in the Warranty Deed recorded in Book 155 at Page 20 at said Register of Deeds office; thence South 03 degrees 03 minutes 37 seconds West along said Northerly prolongation, a distance of 99.18 feet, more or less, to the Northeast corner of said Warranty Deed; thence North 64 degrees 26 minutes 23 seconds West along the Northerly line of said Warranty Deed, a distance of 484.49 feet; thence North 90 degrees 00 minutes 00 seconds East, no longer along said Northerly line, a distance of 595.43 feet; thence North 00 degrees 00 minutes 00 seconds West, 566.00 feet to the Point of Beginning. Containing 520,340 square feet or 11.945 acres, more or less;

which real estate is now owned in fee simple by Beulah S. Boeh, Alan M. Boeh, Roger W. Boeh and Marilyn E. Schatz.

2. The Governing Body of the City of Wathena, Kansas, hereby authorizes by condemnation the acquisition of a temporary construction easement in the following described real estate, to wit:

All that part of the East Half of the Northwest Quarter of Fractional Section 34, Township 3 South, Range 22 East of the Sixth Principle Meridian, in Doniphan County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the East Half of said Northwest Quarter Section; thence South 87 degrees 56 minutes 37 seconds West along the North line of said East Half, a distance of 1170.08 feet to a point 20.00 feet Easterly of the Northeast corner of a tract of land as described in the Warranty Deed recorded in Book 210 at Page 15 at the Register of Deeds office in said County; thence South 02 degrees 41 minutes 55 seconds East (South, deed) along a line 20.00 feet East of and parallel with the Easterly line of said Warranty Deed, a distance of 131.14 feet, more or Less to a point on the Southerly right-of-way line of the St. Joseph and Grand Island Railroad, as now established; thence continuing South 02 degrees 41 minutes 55 seconds East along a line 20.00 feet East of and parallel with the Easterly Line of said Warranty Deed, a distance of 382.30 feet; thence South 87 degrees 56 minutes 37 seconds West, a distance of 20.00 feet to the Southwest corner of a tract of land described in the Warranty Deed recorded in Book 210 at Page 113 at said Register of Deeds office; thence continuing South 87 degrees 56 minutes 37 seconds West (West, deed) along the Southerly Line of said Warranty Deed, a distance of 93.17 feet;

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thence South 02 degrees 25 minutes 40 seconds East, no longer along the Southerly line of said Warranty Deed, a distance of 796.77 feet; thence South 00 degrees 00 minutes 00 seconds West, 200.00 feet; thence North 90 degrees 00 minutes 00 seconds East, 676.00 feet; thence South 00 degrees 00 minutes 00 seconds East, 676.00 feet; thence South 90 degrees 00 minutes 00 seconds East, 100 feet; thence North 00 degrees 00 minutes 00 seconds West 876.00 feet; thence South 90 degrees 00 minutes 00 seconds West, 755.98 feet; thence North 02 degrees 25 minutes 40 seconds West, 777.49 feet to a point 20.00 feet South of the Southerly line of said Warranty Deed recorded in Book 210 at Page 113; thence North 87 degrees 56 minutes 37 seconds East along a Line 20.00 feet South of and parallel with the Southerly line of said Warranty Deed, a distance of 113.26 feet; thence North 02 degrees 41 minutes 55 seconds East along a line 40.00 feet East of and parallel with the Easterly line of said Warranty Deed, a distance of 402.12 feet, more or less, to a point on the Southerly right-of-way line of said St. Joseph and Grand Island Railroad; thence Westerly along the Southerly right-of-way Line of said St. Joseph and Grand Island Railroad, a distance of 20.00 feet to the Point of Beginning. Containing 248,651 square feet or 5.708 acres, more or less;

which real estate is now owned in fee simple by Beulah S. Boeh, Alan M. Boeh, Roger W. Boeh and Marilyn E. Schatz.

3. The above described real estate shall be condemned by the City of Wathena, Kansas, for the purpose of acquiring fee simple title and a temporary construction easement to be used for wastewater lagoon expansion for the City of Wathena, Kansas.

4. The acquisition of fee simple title shall be permanent. The acquisition of the temporary construction easement shall be temporary and shall terminate effective February 28, 2006.

5. The acquisition of fee simple title and the acquisition of the temporary construction easement described in Sections 1 and 2 are taken for the purpose of wastewater lagoon expansion in order to provide an adequate wastewater disposal system for the City of Wathena, Kansas.

6. The above described fee simple title and temporary easement 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.


7. The duly appointed City Attorney for the City of Wathena, Kansas, upon passage of this ordinance is authorized to proceed with this condemnation in the District Court of Doniphan County, Kansas, pursuant to Kansas Statutes Annotated 26-501 to 26-516,

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inclusive. The Mayor of the City of Wathena, Kansas, upon passage of this ordinance is authorized to execute such pleadings and documents as are necessary to proceed with such condemnation.


8. This ordinance shall take effect and be in force from and after its publication in The Kansas Chief, official City newspaper.

PASSED by the Council and APPROVED by the Mayor on the 31st day of January, 2005.

  
James P. McAnerney, Mayor

ATTEST:

(CITY SEAL)

  
James Richardson, City Clerk