

(Published in The Wathena Times, November 12, 1992)1t

RESOLUTION NO. 92-8

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR SANITARY SEWER EASEMENTS FOR USE BY THE CITY OF WATHENA, KANSAS, AND AUTHORIZING THE MAKING OF A SURVEY AND TO DETERMINE THE LEGAL DESCRIPTIONS FOR SAID PUBLIC PURPOSE.

WHEREAS, the Governing Body of the City of Wathena deems it necessary to appropriate interest in private property for use by the City of Wathena for sanitary sewer easements and rights of way for the purpose of constructing and maintaining a sanitary sewer line; and,

WHEREAS, the City of Wathena, Kansas (herein CITY), proposes to place said sewer line on real property situate in Doniphan County, Kansas, as specifically set forth and described at paragraph 2 below; and,

WHEREAS, the CITY proposes to acquire permanent easements and rights of way to construct, lay, maintain, operate, repair, replace, change or remove pipe lines 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 and convenient to the operation of such sanitary sewage pipe and line, together with the right of ingress to and egress from such lands for all purposes incident to the full and complete use and exercise herein to the property proposed to be used for public purposes, as herein set forth; and,

WHEREAS, it is necessary to survey the proposed sites for the proposed easements and rights of way and to determine legal descriptions for the lands to be acquired;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

1. That it is necessary for the CITY to acquire property for the use by the CITY as permanent easements and rights of way as stated aforesaid.

2. That the CITY hereby authorizes Bartlett and West Engineers, Inc., 720 Oregon, Hiawatha, Kansas 66434, or an employee or designee of the said Bartlett and West, to complete a survey and

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prepare legal descriptions of those portions of the following described real estate which is to be condemned and used for the public purpose as above set forth, to wit:

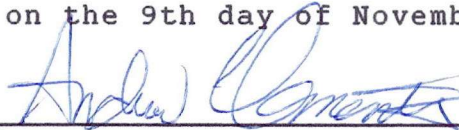
See attached "Exhibit 1".

3. That upon completion of said survey copies of the same and descriptions of the lands to be condemned are to be filed with the City Clerk of the CITY by the said Bartlett and West.

4. That this Resolution shall be published once in The Wathena Times, official City newspaper with said publication to be made in the November 12, 1992, issue of said newspaper.

5. This resolution is being adopted in compliance with the provisions of K.S.A. 26-201.

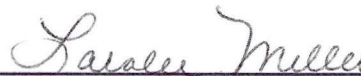
ADOPTED and APPROVED on the 9th day of November, 1992.



Mayor

ATTEST:

(CITY SEAL)



City Clerk

TRACT I

Beginning at the southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, Doniphan County, Kansas, thence West 120 rods, thence North 76.28 rods, thence East 106 rods, thence South 16 rods and 18 links, thence East 14 rods, thence South to the place of beginning:

Except:

1. 2.76 acres conveyed to John Lucas Fetter and wife by Deed recorded in Book 136, Page 177, in the Office of Register of Deeds, Doniphan County, Kansas.
2. 1.25 acres conveyed to John Lucas Fetter, and wife by Deed recorded in Book 135, Page 579, Office of Register of Deeds, Doniphan County, Kansas.
3. Two tracts conveyed to Donald D. Manville and Norman S. Miller, by Deed recorded in Book 135, Page 586, Office of Register of Deeds, Doniphan County, Kansas.
4. 9.4 acres conveyed to Ben J. Ainlay, by Deed recorded in Book 140, Page 312, Office of Register of Deeds, Doniphan County, Kansas.
5. 9.45 acres conveyed to Bernard Studer and wife, by Deed recorded in Book 149, Page 476, Office of Register of Deeds, Doniphan County, Kansas.
6. Tract conveyed to the City of Wathena, Kansas, by Deed recorded in Book 171, Page 506, Office of Register of Deeds, Doniphan County, Kansas, title to which real estate is presently held as follows: Rollie G. and Nadine C. Fehrman Trust and Breit Properties, Ltd.;

AND,

TRACT II

Tract of land hereinafter described that lies South of the center of the Rockroad leading from Wathena to Elwood: 39 acres being part of SW1/4 Section 27, Township 3, Range 22, Doniphan County, Kansas, set apart to P.L. Hudgens in a partition suit in district court of Doniphan County, Kansas except 3/4 acre heretofore conveyed by said Hudgens, title to which real estate is presently held as follows: Estate of Kathe D. Walters, Deceased and Estate of George W. Dockhorn, Deceased.

AND,

TRACT III

A part of the Chicago, Rock Island and Pacific Railroad Company's right of way located in the

Southwest Quarter of Section 27 and the Northwest Quarter of Section 34, Township 3 South, Range 22 East, in Doniphan County, Kansas, more particularly described as follows: Beginning at a point in the said Railroad Company's north right of way line that is 1,475 feet west and 150 feet north of the southeast corner of the Southwest Quarter of said Section 27; thence west along said north right of way line 490 feet to a corner in said right of way; thence north along the east right of way line 44.6 feet to a corner in said right of way; thence North 67 degrees 50' West along said north right of way line 140 feet; thence south 265.7 feet to the north right of way line of the Union Pacific Railroad Company; thence easterly along the north right of way line of the Union Pacific Railroad Company as follows: South 86 degrees 00' East 100 feet; thence South 89 degrees 39' East 100 feet; thence North 89 degrees 59' East 100 feet; thence South 89 degrees 54' East 58 feet; thence South 81 degrees 17' East 153.9 feet; thence east 110 feet, at which point the description of this tract no longer follows the north right of way line of the Union Pacific Railroad Company, thence North 198 feet to the point of beginning, title to which real estate is presently held as follows: New Skelgas, Inc., a Kansas Corporation. And,

TRACT IV

The following tracts situate in Doniphan County, Kansas, to wit:

Commencing at a point that is 1980 feet West and 1258.6 feet North of the Southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence South 719.5 feet, thence North 38 degrees 57' East 571.1 feet to the right-of-way of New U.S. Highway 36, thence Northwest at right angles 437.9 feet to a point that is 18.5 feet East of the place of beginning, thence West 18.5 feet to the place of beginning, containing 2.76 acres, more or less, according to the survey made by Rollie G. Fehrman on August 8, 1953;

Also,

Commencing at a point that is 1980 feet West and 214 feet North of the Southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence North 324 feet more or less to the

Southwest corner of land heretofore deeded by Anna Hale to John Lucas Fetter and wife, recorded in Book 136, Page 177, in the office of Register of Deeds, Doniphan County, Kansas, thence North 38 degrees 57' East 206.5 feet along the line of said above tract conveyed to John Lucas Fetter and wife, thence South a distance of 520.5 feet thence North 74 degrees 30' West 135 feet to the place of beginning, containing 1.25 acres more or less;

Also,

Beginning at a point 1980 feet West of the Southeast corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence North 215.0 feet, thence South 74 degrees 30' East 135.0 feet, thence North 520.5 feet, thence North 38 degrees 57' East 364.6 feet to U.S. 36 right-of-way, thence South 51 degrees 24" East 350.76 feet, along U.S. 36 right-of-way to Iron Pipe, thence South 38 degrees 16' West 493.67 feet to Iron Pipe, thence South 51 degrees 24' East 150 feet to Iron Pipe, thence South 38 degrees 16' West 166.53 feet, thence East 258.7 feet to Iron Pipe, thence South 150 feet to Iron Pipe on Section line, thence West on Section line 598.60 feet to point of beginning, title to which real estate is presently held as follows: John L. Fetter.

and,

TRACT V

Being a tract of land situated in the Southwest Quarter of Section 27, Township 3 South, Range 22 East, Doniphan County, Kansas, and in the Northwest Quarter of Section 34, Township 3 South, Range 22 East, more particularly described as follows:

Commencing at the Southwest Corner of the Southwest Quarter of Section 27, Township 3, Range 22, thence North 00 degrees East along the West line of Section 27, a distance of 210 feet more or less to a point of Grantor's southerly right-of-way line, as now evidenced, monumented, occupied or recorded in Doniphan County, the POINT OF BEGINNING: thence continue North 00 degrees East along the west line of Section 27, a distance of 350 feet more or less to a point on Grantor's northerly right-of-way line; thence southeasterly along Grantor's north right-of-way line having a 2 degree curve to the right, a distance of 620 feet more or less to a point, said point referenced as being 535 feet more