

(Published in The Wathena Times, November 19, 1992)1t

RESOLUTION NO. 92-9

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:

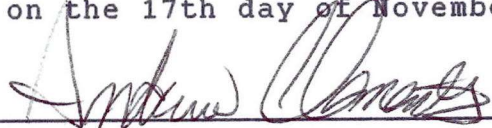
See attached "Exhibit 1".

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 19, 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 17th day of November, 1992.

  
\_\_\_\_\_  
Mayor

ATTEST:

(CITY SEAL)

  
\_\_\_\_\_  
City Clerk

TRACT I

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 or less east of the west line of Section 27; and 250 feet more or less north of the south line Section 27; thence South 00 degrees East a distance of 290 feet more or less to a point on Grantor's southerly right-of-way line, said point being 40 feet south of the south line of Section 27; thence Northwesterly along Grantor's southerly right-of-way line a distance of 195 feet to a point of intersection with the south line of Section 27; thence continue northwesterly along Grantor's southerly right-of-way line, said line being 20 feet north of and measured at right angles to the St. Joe & Grand Island Railroad track as is presently laid out and located, for a distance of 415 feet to the west line of Section 27, the POINT OF BEGINNING, containing 3.69 acres more or less,

And,

Beginning on the South line of the Southwest Quarter of Section Twenty Seven (27), Township Three (3), Range Twenty Two (22), at a point 381 feet West of the Southeast Corner of said Southwest Quarter, thence Northwesterly on an angle of 38 degrees 16 minutes to the right from said South line, a distance of 1078 feet, thence Southwesterly and at right angles to the last above described line a distance of 660.2 feet to a point 150 feet North of the South line of said Southwest Quarter, thence East 258.7 feet, thence South 150 feet to the South line of said Southwest Quarter, thence East 996.75 feet to the place of beginning, according to the survey made April 20, 1958, by D. F. Fuhrman, and containing 9.4 acres, more or less;

Also,

Lot Four (4) in Block Six (6) in Albers Addition to Bendena, Kansas formerly the town of Albers;

Also,

The North 30 feet of the South 80 feet and the South 30 feet of the North 60 feet of Lot Seven (7) in Block Six (6) in Albers Addition to the Town of Albers, commonly known as Bendena;

Also,

A tract of land in the Southwest Quarter of Section 27, Township 3 South, Range 22 East, of the 6th P.M., Doniphan County, Kansas, described as follows: Beginning at a point 1,381.4 feet West of the Southeast Corner of said Southwest Quarter; thence North 150 feet; thence West 93.6 feet; thence South 150 feet; thence East to the point of beginning, except that part North and East of a County Road;

AND,

A tract of land in the Southwest Quarter of Section 27, Township 3 South, Range 22 East, of the 6th P.M., Doniphan County, Kansas, described as follows: Beginning at a point 1,381.4 feet West of the Southeast Corner of said Southwest Quarter; thence North 150 feet; thence West 93.6 feet; thence South 150 feet; thence East to the point of beginning, except that part South and West of a County Road,

title to which real estate is presently held as follows: Edwin D. Ford and Carolyn K. Ford, husband and wife.