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September 11, 1975)

CITY OF ANDOVER

ORDINANCE NO. 242

AN ORDINANCE ENACTED PURSUANT TO K.S.A. 1975 SUPP. 26-201, ET SEQ., AND INCLUDING, BUT NOT LIMITED TO, K.S.A. 12-622 AND K.S.A. 12-623 AND ACTS SUPPLEMENTAL AND AMENDATORY THERETO AND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN AS SET FORTH IN THE BODY OF THIS ORDINANCE BY CONDEMNATION UNDER THE POWER OF EMINENT DOMAIN AND SPECIFICALLY DESCRIBING THE INTEREST TO BE TAKEN THEREBY AND THE PURPOSE FOR WHICH THE SAME IS TO BE USED; SAID LAND TO BE TAKEN FOR A PERMANENT RIGHT-OF-WAY FROM THE CORPORATE LIMITS OF SUCH CITY TO A DISPOSAL WORKS OF SAID CITY OUTSIDE THE CORPORATE LIMITS OF SAID CITY THE SAME BEING FOR THE CONSTRUCTION OF SEWERS OR DRAINS THEREON AND ORDERING SUCH CONDEMNATION INSTITUTED AS PROVIDED BY LAW.

WHEREAS, prior hereto, and pursuant to K.S.A. 1975 Supp. 26-201, et seq, the City of Andover, Kansas has by its Governmental action deemed it necessary for said City to appropriate interest in certain private property for use of said City under the authority of K.S.A. 12-622 and K.S.A. 12-623 for a right-of-way for the construction of sewers or drains to be built to an extended disposal works of said City as provided for in said statutes and has by resolution declared such necessary and authorized a survey laying out and description of said lands and caused to be designated the interest to be acquired in such lands to be so condemned to be made by competent engineers and such survey and the description of such lands or interest therein is on file with the City Clerk of said City, and

WHEREAS, such resolution as above described has been published once in the official newspaper:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

Section 1. That the Governing Body of said City hereby approved the description of lands or interest therein to be taken by eminent domain, the survey thereof, and other pertinent engineering data and specifications prepared by competent engineers as set forth in the preamble of this Ordinance which preamble is by this reference made a part of this section as fully as if set out herein and as on file in the office of the City Clerk, City of Andover, Kansas.

Section 2. That the description of said lands so surveyed and referred to in Section 1 hereinabove and the interest therein is for a permanent right-of-way over, under and across the following described real property located in Butler County, as follows:

A tract of land lying parallel to and 10 feet North as well as parallel and 30 Feet South of the following described line:

Beginning at a point 836.15 Feet West and 35 Feet more or less South of the Southeast Corner of the Northeast Quarter of the Northeast Quarter of Section 32, Township 27, Range 3 East, Butler County, Kansas, thence West parallel to the South line of the said Northeast Quarter of the Northeast Quarter a distance of 500 Feet, thence Northwesterly at an angle 21 Degrees to the right a distance of 85 feet more or less to a point that is on the South line of the North Half of the Northeast Quarter and 35 Feet more or less West of the Southwest Corner of the said Northeast Quarter of said Northeast Quarter of said Section 32.

and the Governing Body does hereby deem and declare it necessary to authorize and provide for the acquisition of such interest in lands by condemnation through the power of eminent domain

pursuant to K.S.A. 1975 Supp. 26-201 and other pertinent sections of Chapter 26 of the laws of the State of Kansas as well as K.S.A. 12-622 and K.S.A. 12-623 and all acts amendatory or supplemental thereto, by condemnation through the power of eminent domain and specifying definitely that the interest to be acquired therein be a permanent right-of-way or easement.

Section 3. That the City Attorney and any attorney employed by said City for such purpose and all of the City Officers required to perform any official acts for and on behalf of said City shall forthwith proceed under the authority of the laws of the State of Kansas as hereinabove referred to to acquire by eminent domain the interest above described for the purpose of acquiring right-of-way for the construction of sewers or drains as contemplated under said K.S.A. 12-622 and K.S.A. 12-623.

Section 4. This ordinance shall become in full force and effect from and after its publication once in the official City newspaper.

THE ABOVE ORDINANCE PASSED AND ADOPTED the 9th day of September, 1975.

Goldie M. Buchanan
GOLDIE M. BUCHANAN
Mayor

ATTEST:

Patricia M. Stuenkel
PATRICIA M. STUENKEL
City Clerk

(SEAL)