(Published in The Western Butler County Times, November 13, 1975)

CITY OF ANDOVER

ORDINANCE NO. 249

AN ORDINANCE ENACTED PURSUANT TO K.S.A. 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 PART OF A PERMANENT RIGHT-OF-WAY FROM THE CORPORATE LIMITS OF SUCH CITY TO A CONNECTION WITH A CREEK, RAVINE, OR RIVER WITHIN FIVE MILES THEREOF, 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. 26-201, et seq, and acts amendatory and supplemental thereto, 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 and acts amendatory and supplemental thereto , for a permanent right-of-way for the construction of sewers and drains, with appurtenances thereof, from the corporate limits of the said City to a connection with a creek, ravine or river within five miles thereof as provided for in said statutes and has by resolution declared such necessary and authorized a survey laying out and a 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.

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

R. A. MUNROE
ATTORNEY AT LAW
112 EAST FIFTH
AUGUSTA, KS. 67010
(316) 775-2263

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, Kansas as follows:

> A 20 Foot wide easement 10 Feet either side of a line described as follows: BEGINNING at a point 485 Feet South and 660 Feet more or less East of the Northwest Corner of the Northeast Quarter of the Southeast Quarter of Section 33, Township 27 South, Range 3 East, Butler County, Kansas; thence South Southeasterly at an angle of 24 Degrees to the East from the East line of the West Half of said Northeast Quarter of the Southwest Quarter a distance of 465 Feet to a point; thence East Southeasterly at an angle of 22½ Degrees a distance of 60 Feet more or less to the center line of the Four Mile Creek

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. 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

R. A. MUNROE
ATTORNEY AT LAW
112 EAST FIFTH
AUGUSTA, KS. 67010
(316) 775-2263

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 11th day of November, 1975.

Goldie M. Buchanan

GOLDIE M. BUCHANAN
Mayor

ATTEST:

Patricia M Stuenkel

PATRICIA M. STUENKEL
City Clerk

(SEAL)

R. A. MUNROE
ATTORNEY AT LAW
112 EAST FIFTH
AUGUSTA, KS. 67010
(316) 775-2263