

AN ORDINANCE OF THE CITY OF RUSSELL AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF REAL ESTATE AND INTERESTS THEREIN BY EMINENT DOMAIN PROCEEDING PURSUANT TO K.S.A. 26-201, ET. SEQ. AND K.S.A. 26-501, ET. SEQ

WHEREAS on the 16th day of February, 2021, the Governing Body of the City of Russell, Kansas adopted a resolution determining the necessity to appropriate private property for the use of the City to construct, install and maintain a street; and

WHEREAS for the purposes of granting the City of Russell, Kansas its utility departments and its contractors and subcontractors the right to enter and occupy the described property for the purpose of constructing and maintaining pavement, curb and guttering, sidewalk, underground sewer systems, signage and other improvements as shown in the plat and exhibits of the road project design prepared by Bartlett & West with Project No. 15634.100 this ordinance is necessary; and

WHEREAS said resolution further provided that a survey and description of the land or property interest to be condemned be made by a profession engineer competent to conduct a land survey and filed with City Clerk of Russell, Kansas; and

WHEREAS said resolution was duly published in the Russell County News, the official city newspaper on the 25th day of February, 2021;

AND WHEREAS the engineer for the City of Russell, Kansas has prepared and filed the surveys and descriptions of the land or interests to be condemned with the City Clerk of the City of Russell, Kansas all as required and provided by K.S.A. 26-201 et seq. and K.S.A. 26-601, et seq.

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

Section 1. The City of Russell is hereby authorized to acquire by condemnation pursuant to the provisions of K.S.A. 26-201, et seq and K.S.A. 26-501, et seq, the following described real estate interest, easements and other interests in real estate, from Amreen Inc., a Kansas corporation, owner, Landmark National Bank, mortgage holder, or current owners of record, if different therefrom, John Doe and Jane Doe and people in possession and any holder of any leasehold estate or other interest or tenants or any other person or entity claiming any interest or right in the property, including lienholders or mortgagees, to-wit:

Land Acquisition-Temporary Construction Easement: A temporary construction easement in, on, over, under, and across the following described real estate and structures pertinent thereto for the purposes of constructing and maintaining pavement, curb and guttering, sidewalk, sewer service, signage and other improvements as shown by the plans of road project design prepared by Bartlett & West with Project No. 15364.100 to begin at the commencement of the construction of the street and to end at the completion of the reconstruction of the street project, for a period of time not to exceed the period of construction, to-wit:

Tract 1. A parcel of land located in the Northwest Quarter of Section 2, Township 14 South, Range 14 West of the Sixth Principal Meridian, Russell County, Kansas, more particularly described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence North 00 degrees 47 minutes 43 seconds East, coincident with the West line of said Northwest Quarter, a distance of 980.68 Feet; thence departing said West line, South 89 degrees 12 minutes 17 seconds East, a distance of 117.03 feet, to the East Right-of-Way line of South Front Street, and the Point Of

Beginning; thence North 02 degrees 43 minutes 43 seconds West, coincident with said Right-of-Way line, a distance of 45.00 feet; thence departing said Right-of-way line, North 87 degrees 16 minutes 17 seconds East, a distance of 15.00 Feet; thence South 02 degrees 43 minutes 43 seconds East, a distance of 65.82 Feet; thence North 89 degrees 12 minutes 43 seconds West, a distance of 2.57 feet; thence North 33 degrees 45 minutes 53 seconds West, a distance of 24.11 feet, to the Point Of Beginning, containing 0.02 acres, 857 square feet, more or less, in Russell County, Kansas.

Land Acquisition-Permanent Easement: A permanent easement in, on, over, under, and across the following described real estate and structures pertinent thereto for the purposes of constructing and maintaining pavement, curb and guttering, sidewalk, sewer service, signage and other improvements as shown by the plans of road project design prepared by Bartlett & West with Project No. 15634.100 to-wit:

Tract 2. Right of Way. A parcel of land located in the Northwest Quarter of Section 2, Township 14 South, Range 14 West of the Sixth Principal Meridian, Russell County, Kansas, more particularly described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence North 00 degrees 47 minutes 43 seconds East, coincident with the West line of said Northwest Quarter, a distance of 980.68 Feet; thence departing said West line, South 89 degrees 12 minutes 17 seconds East, a distance of 117.03 feet, to the East Right-of-Way line of South Front Street, and the Point Of Beginning; thence South 33 degrees 45 minutes 53 seconds East, a distance of 48.40 feet; thence South 89 degrees 12 minutes 43 seconds East, a distance of 351.47 Feet to the East line of a parcel of land described in Deed Book 142, Page 339; thence South 00 degrees 42 minutes 47 seconds West, coincident with said East line a distance of 55.00 feet, to the south line of said parcel; thence North 89 degrees 12 minutes 43 seconds West, coincident with said South line, a distance of 223.14 Feet, to the East line of a parcel described in Deed Book 135, Page 591; thence North 02 degrees 37 minutes 52 seconds West, coincident with said East line, a distance of 40.06 feet, to the North line of said parcel; thence North 89 degrees 13 minutes 03 seconds West, coincident with said North line, a distance of 150.08 feet to the East Right-of-Way line of South Front Street; thence North 02 degrees 43 minutes 43 seconds West, coincident with said Right-of-Way line, a distance of 54.99 feet, to the Point Of Beginning, containing 0.35 acres, 15,114 square feet, more or less, in Russell County, Kansas.

Tract 3. Utility Easement. A parcel of land located in the Northwest Quarter of Section 2, Township 14 South, Range 14 West of the Sixth Principal Meridian, Russell County, Kansas, more particularly described as follows: Commencing at the Southwest Corner of said Northwest Quarter; thence North 00 degrees 47 minutes 43 seconds East, coincident with the West line of said Northwest Quarter, a distance of 980.68 Feet; thence departing said West line, South 89 degrees 12 minutes 17 seconds East, a distance of 117.03 feet, to the East Right-of-Way line of South Front Street; thence South 33 degrees 45 minutes 53 seconds East, a distance of 24.11 feet to the Point Of Beginning; thence South 89 degrees 12 minutes 43 seconds East, a distance of 365.21

Feet to the East line of a parcel of land described in Deed Book 142, Page 339; thence South 00 degrees 42 minutes 47 seconds West, coincident with said East line, a distance of 20.00 feet; thence departing said East line, North 89 degrees 12 minutes 43 seconds West, a distance of 351.47 feet; thence North 33 degrees 45 minutes 53 seconds West, a distance of 24.28 feet to the Point of Beginning, containing 0.16 acres, 7,167 square feet, more or less, in Russell County, Kansas.

Section 2. The City Manager is hereby authorized and directed to proceed with the condemnation proceedings against the owner or owners of the above-described real estate and all persons having any interest in and to said real estate all as surveyed and provided by law.

Section 3. This ordinance shall take effect and be in force upon its adoption and upon its publication in the Russell Daily News, the official city newspaper.

PASSED this 2nd day of March, 2021, by the City of Russell, Kansas, governing body.

APPROVED this 2nd day of March, 2021, by the Mayor of the City of Russell, Kansas.



Jim Cross, Mayor

ATTEST:



Katrina Woelk, City Clerk

