

**ORDINANCE NO. S-17-04**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF AN INTEREST IN CERTAIN REAL PROPERTY SITUATED IN THE CITY OF COFFEYVILLE, MONTGOMERY COUNTY, KANSAS.**

WHEREAS, K.S.A. 26-201 authorizes a city to acquire by condemnation any interest in real property, including a fee simple title thereto;

WHEREAS, Resolution No. R-17-87 was adopted by the Governing Body of the City of Coffeyville on November 14, 2017, providing for the appropriation of certain private property deemed necessary for the construction of the 11<sup>th</sup> & Willow intersection improvement project referred to as KDOT Project No. 166-63 KA-4255-01; and

WHEREAS, a survey and description of the private property to be acquired for the aforementioned purposes has been filed with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Coffeyville, Kansas, as follows:

SECTION 1. The acquisition of permanent street right-of-way and temporary construction easements in and to the following described property is hereby authorized, to-wit:

*Permanent Right of Way (Long John Silver's)*

A tract of land in Lot 9, Block 71 in the City of Coffeyville, Montgomery County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Lot 9; thence along the west line of said Lot 9 N.1°14'53"W. (being an assumed bearing) 25.00 feet; thence S.46°22'38"E. 35.28 feet to the South line of said Lot 9; thence along the South line of said Lot 9 S.88°29'37"W. 25.00 feet to the point of beginning, containing 313 square feet.

*Temporary Construction Easement (Long John Silver's)*

A tract of land in Lots 9, 10, 11 and the West half of Lot 12, Block 71 in the City of Coffeyville, Montgomery County, Kansas, more particularly described as follows:

Beginning at a point on the West line of said Lot 9, said point of beginning being 25.00 feet N.1°14'53"W. (being an assumed bearing) from the Southwest corner of said Lot 9; thence along the West line of said Lot 9 N.1°14'53"W. 85.00 feet; thence N.88°29'37"E. 57.00 feet; thence S.1°14'53"E. 95.00 feet; thence N.88°29'37"E. 40.00 feet; thence

N.1°14'53"W. 20.00 feet; thence N.88°29'37"E. 77.67 feet more or less to the East line of the West half of said Lot 12; thence along the East line of the West half of said Lot 12 S.1°31'15"E. 35.00 feet to the South line of said Lot 12; thence along the South line of said Lot 12, Lot 11, Lot 10, and Lot 9 S.88°29'37"W. 149.83 feet more or less to a point 25.00 feet from the Southwest corner of said Lot 9; thence N.46°22'38"W. 35.28 feet to the point of beginning, containing 9,279 square feet.

*Permanent Right of Way (Boles Management, Inc.)*

A tract of land in Lot 8, Block 86 in the City of Coffeyville, Montgomery County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 8; thence along the North line of said Lot 8 N.88°29'37"E. (being an assumed bearing) 25.00 feet; thence S.57°38'24"W. 29.25 feet to the West line of said Lot 8; thence along the West line of said Lot 8 N.1°05'22"W. 15.00 feet to the point of beginning, containing 188 square feet.

*Temporary Construction Easement  
(Boles Management, Inc.)*

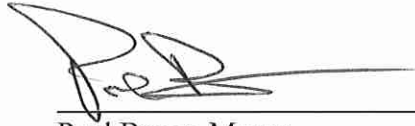
A tract of land in Lot 8, Lot 7 and the West 42.00 feet of Lot 6, Block 86 in the City of Coffeyville, Montgomery County, Kansas, more particularly described as follows:

Beginning at a point on the North line of said Lot 8, said point of beginning being 25.00 feet N.88°29'37"E. (being an assumed bearing) from the Northwest corner of said Lot 8; thence along the North line of said Lot 8, Lot 7 and the West 42.00 feet of said Lot 6 to the Northeast corner of the West 42.00 feet of said Lot 6 N.88°29'37"E. 116.86 feet; thence along the East line of the West 42.00 feet of said Lot 6 S.1°05'21"E. 15.00 feet; thence S.88°29'37"W. 141.86 feet to the West line of said Lot 8; thence N.57°38'24"E. 29.25 feet to the point of beginning, containing 1,940 square feet.

SECTION 2. That the City Attorney be and is hereby authorized and directed to appropriate said real property and exercise the power of eminent domain in accordance with K.S.A. 26-501 *et seq.*, and amendments thereto.

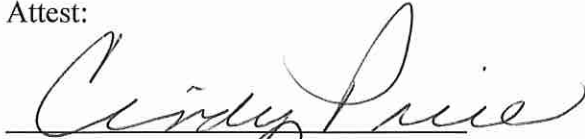
SECTION 3. This Ordinance shall be published once in the official city newspaper.

PASSED AND APPROVED by the Board of Commissioners of the City of Coffeyville, Kansas, this day 21<sup>st</sup> of December 2017.



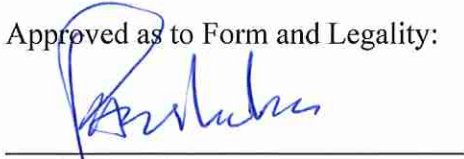
Paul Bauer, Mayor

Attest:



Cindy Price, City Clerk

Approved as to Form and Legality:



Paul Kritiz, City Attorney

