

## ORDINANCE NO. S-20-01

### AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF AN INTEREST IN CERTAIN ABANDONED RAIL BEDS BY EMINENT DOMAIN.

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-20-01 was adopted by the Governing Body of the City of Coffeyville on January 14, 2020, providing for the appropriation of certain real property deemed necessary for a Rails-to-Trails project on certain abandoned rail beds within the City of Coffeyville; and

WHEREAS, a description of the 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 right-of-way in and to the following described property is hereby authorized, to-wit:

#### *Permanent Right of Way*

The abandoned rail beds situated in the Northeast Quarter (NE/4) of Section 34, Township 34, Range 16, Montgomery County, Kansas, more particularly described as follows:

All that part of the East Half (E/2) of the Northeast Quarter (NE/4) of Section 34, Township 34, Range 16, Montgomery County, Kansas, which is a strip of land 50' wide, running in a southwesterly direction, the center line of which strip starts at a point 528' West and 602.5' South of the Northeast corner of said Section 34, and runs Southwest 572', and thence on three degree curve to the left 1,095.6' to a point which is 1,362.8 feet East of the North and South center line of said Section<sup>1</sup>.

All that part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 34, Township 34, Range 16, Montgomery County, Kansas, which is a strip of land 80' wide, running in a southwesterly direction from the east line of a tract of land of eleven acres, which is bounded, defined and described by a line commencing at the Northeast corner of said Section, and running thence South 55 rods, and thence West 32 rods, and thence North 55 rods, and thence East 32 rods to place of beginning. The center line of said strip, where it enters said eleven acres

---

<sup>1</sup> As described in the Deed Book 87, Page 67 of the Montgomery County Register of Deeds

on the east line is 144' from the Northeast corner of said eleven acres, and said center line runs southwesterly on a 4.5 degree curve 572', and runs thence southwesterly on a tangent to said curve about 130' to West line of said eleven acres, at a point which is 602.5' South of the North line of said Section<sup>2</sup>.

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.

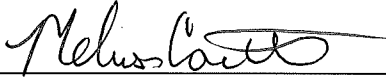
SECTION 3. This Ordinance shall be published once in the official city newspaper.

PASSED AND APPROVED by the Board of Commissioners of the City of Coffeyville, Kansas, this day 24<sup>th</sup> of March, 2020.



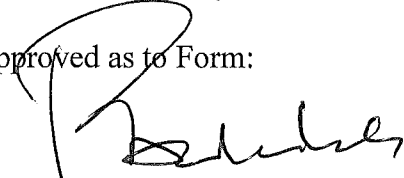
Paul Bauer, Mayor

Attest:

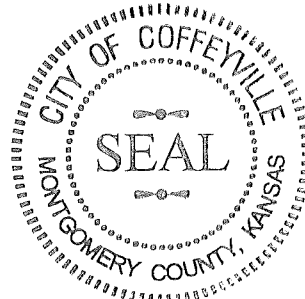


Melissa Carter, City Clerk

Approved as to Form:



Paul Krutz, City Attorney



<sup>2</sup> As described in the Deed Book 87, Page 69 of the Montgomery County Register of Deed