

ORDINANCE 522

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PRIVATE PROPERTY, CONSISTING OF FEE SIMPLE TITLE TO REAL ESTATE, FOR THE PURPOSE OF IMPROVING AND EXTENDING THE PUBLIC SERVICES OF THE CITY OF HIGHLAND, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES; DIRECTING THE CITY ATTORNEY AND MAYOR TO PROCEED WITH THE ACQUISITION THEREOF; AND PROVIDING FOR PAYMENT OF THE COSTS THEREOF.

WHEREAS, the City of Highland, Kansas, is a municipal corporation providing public services that provide for the general health, convenience and welfare of its citizens and the general public; and

WHEREAS, the City has operated a facility for the regulated disposal of small tree limbs, brush and yard debris by the City and its citizenry for many years;

WHEREAS, said property, along with a storage building located upon contiguous land, has become available for purchase and it is in the public interest to acquire said real estate by agreement with the landowner;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

SECTION 1: It be and is hereby declared to be in the interests of the City and the general public for said City to acquire, by private agreement, for the purpose of continuing to provide a location for the regulated disposal of small tree limbs, brush and yard debris by the City and its citizenry, the private property hereinafter described in SECTION 2, pursuant to statutory and home rule authority.

SECTION 2: The private property, consisting of fee simple title to real estate, is described and designated as follows in a survey by Clark Land Surveying, P.A. dated July 8, 2014, Project #2014-039, to-wit:

Commencing at the Northwest Corner of the Southeast One-Quarter (SE 1/4) of Section 23, Township 2 South, Range 19 East of the Sixth Principal Meridian, Doniphan County, Kansas; thence South 2°12'17" East (assumed bearing), 1654.17 feet along the West line of said SE 1/4 to a point on the Southerly Right-of-Way (R/W) line of 240th Road (Old U.S. Highway 36) (Hwy); thence leaving said West line, North 88°19'02" East, 79.38 feet along the South line of said Hwy to the True Point of Beginning; thence continuing along said Hwy R/W, North 88°19'02" East, 723.54 feet to a point on the centerline of Mission Creek; thence following said Creek centerline, South 6°56'52" East, 74.12 feet; thence South 8°39'33" East, 58.22 feet; thence South 46°50'08" West, 62.14 feet; thence North 85°06'06" West, 32.12 feet; thence North 57°42'59" West, 82.72 feet; thence South 55°39'50" West, 166.45 feet; thence South 87°04'05" West, 58.59 feet; thence South 76°09'33" West, 131.90 feet; thence South 70°24'55" West, 109.99 feet; thence South 88°43'40" West, 98.41 feet; thence South 79°13'10" West, 63.33 feet; thence North 88°04'06" West, 55.60 feet; thence North 84°49'44" West, 18.55 feet to a point on the West line of said SE 1/4 of said Section 23; thence leaving said creek centerline, North 2°12'17" West, 15.12 feet; thence North 88°19'02" East, 79.38 feet; thence North 2°12'17" West, 264.00 feet along a line parallel with the West line of said SE 1/4 to the Point and Place of Beginning. Said tract contains 3.65 acres, more or less. Subject to all public roads, easements, restrictions, reservations, covenants and conditions, if any, now of record.

A permanent Ingress-Egress Easement described by the following metes and bounds description: Commencing at the Northwest Corner of the Southeast One-Quarter (SE 1/4) of Section 23, Township 2 South, Range 19 East of the Sixth Principal Meridian, the City of Highland, Doniphan County, Kansas; thence South 2°12'17" East (assumed bearing), 1654.17 feet along the West line of said SE 1/4 to a point on the Southerly Right-of-Way (R/W) of Spring Street (Old U.S. Highway 36) said point being the True Point of Beginning; thence North 88°19'02" East, 79.38 feet along said Spring Street R/W; thence leaving said street R/W, South 2°12'17" East, 60.00 feet along a line parallel with the West line of said SE 1/4; thence South 88°19'02" West, 79.38 feet to a point on the West line of said SE 1/4; thence North 2°12'17" West, 60.00 feet to the Point and Place of Beginning. Said tract contains 0.10 acres (4762.8 square feet), more or less.

SECTION 3: The City Attorney and Mayor are hereby authorized and directed to commence such measures as are necessary or required to acquire said real estate, in accordance with the executory contract between the City and landowner, and to take such other and further action as may be necessary or required in connection with such acquisition.

SECTION 4: That the costs of said acquisition, when ascertained, shall be paid from the general fund of the City of Highland, Kansas, or from any special fund provided for such purpose, with the such costs to be borne by the City at large.

SECTION 5: That this ordinance shall take effect, and be in full force, from and after its passage and summary publication in the official city newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 9th day of July, 2014.

Ken Stewart, Mayor

ATTEST:

Joann Karn, City Clerk