

(Publish in *The Leavenworth Times* on September 25, 2020)

ORDINANCE NO. 8146

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE 16th TERRACE & THORNTON STREET PHASE 2 AND PHASE 3 DRAINAGE PROJECT, CITY PROJECT NO. 2018-897, FOR THE USE OF THE CITY, IN THE CITY OF LEAVENWORTH, KANSAS.

WHEREAS, on August 11, 2020, and pursuant to K.S.A. 26-201, the Governing Body of the City of Leavenworth, Kansas, did by Resolution No. B-2261 declare the necessity for, and authorize the completion of, a survey and description of lands or interests therein to be condemned by the City, for the purpose of for the use of the City for the purpose of rights-of-way, permanent easements, and temporary construction easements, including but not limited to for the completion of the 16th Terrace & Thornton Street Phase 2 and Phase 3 Drainage Project, to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, sanitary sewer systems and other improvements as shown on the plan documents;

WHEREAS, the Resolution was published once in the official City newspaper as shown in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a survey and legal descriptions of the land or interests therein to be condemned have been made and prepared by a competent engineer and filed with the Clerk of the City of Leavenworth, Kansas, such legal description and interests being as shown and/or described on Exhibit B, which is attached hereto and incorporated herein by this reference.

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

SECTION I. It is hereby authorized and provided that the above-described lands and interests be acquired by condemnation pursuant to K.S.A. 26-201 and K.S.A. 26-501, *et seq.*, for the above described purposes.

SECTION II. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

[Signature Page Follows Directly]

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,
KANSAS ON THIS 22nd DAY OF SEPTEMBER 2020.**

/s/ Myron J. "Mike" Griswold
Myron J. "Mike" Griswold, Mayor

[SEAL]

ATTEST:

/s/ Carla K. Williamson
Carla K. Williamson, CMC, City Clerk

EXHIBIT A

[Proof of Publication]

AFFP

(Publish in the Leavenworth Ti

Affidavit of Publication

STATE OF KANSAS }
COUNTY OF } SS
LEAVENWORTH }

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

August 14, 2020

(Publish in the Leavenworth Times on August 14, 2020)
RESOLUTION NO. B-2261

A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE 16th TERRACE & THORNTON STREET PHASE 2 AND PHASE 3 DRAINAGE PROJECT, CITY PROJECT NO. 2018-897 FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION OF LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the 16th Terrace & Thornton Street Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, sanitary sewer systems and other improvements as shown on the plan documents.

Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk.

Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201. Section 4: This resolution shall be effective upon passage and publication as provided by law.

Passed and approved this 11th day of August 2020.

Myron J. "Mike" Griswold, Mayor (Seal) ATTEST: Carla K. Williamson, CMC, City Clerk

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson
Tammy Lawson

Subscribed to and sworn to me this 14 day of Aug, 20

Rebecca A. Broom
Rebecca A. Broom, , Leavenworth County, Kansas

My commission expires: June 07, 2023

00000105 00038857

Deputy City Clerk
City of Leavenworth - Legals
100 North 5th Street
Leavenworth, KS 66048



EXHIBIT B**[Description of Properties and Interests to be condemned]**

No.	Property Owner/Owners	Property Address	Legal Description of the Easement
1	Joslin Enterprises, LLC.	2301 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 35.00 feet of Lot 6, CENTURY SUBDIVISION, a subdivision of record located in the City and County of Leavenworth, Kansas. Except for all that part lying within 10.00 feet wide platted utility easements along the North and East lines of said Lot 6, and except for the North 45.00 feet of the East 30.00 feet of said Lot 6. Containing 1,550 square feet, more or less.</p> <p>PERMANENT DRAINAGE EASEMENT (PDE): All of the North 45.00 feet of the East 30.00 feet of Lot 6, CENTURY SUBDIVISION, a subdivision of record located in the City and County of Leavenworth, Kansas. Except for all that part lying within the 10.00 feet-wide platted utility easements along the North and East lines of said Lot 6. Containing 700 square feet, more or less.</p>
2	Miller Properties Associates, LLC.	2306 S. 16th Street	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 35.00 feet of Lot 1, CENTURY SUBDIVISION, a subdivision or record located in the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet- wide platted utility easement along the West line of said Lot 1. Containing 1,917 square feet, more or less.</p>
3	Nolan, Daniel A. & Nolan, Leona A.	2309 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 45.00 feet of Lot 5, CENTURY SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within the 10.00 feet-wide platted utility easements along the North and East lines of said Lot 5. Containing 2,534 square feet, more or less.</p>
4	Jagodzinski, Todd M.	2405 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 40.00 feet of Lot 3, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 3. Containing 2,100 square feet, more or less.</p>
5	Fitzgerald, Derek S. & Saldana-Fitzgerald, Emily A.	2413 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 20.00 feet of Lot 1, Block 2, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas, and all of the East 20.00 feet of the North half of the vacated right-of-way of Santa Fe Street, as shown on said plat of MORNING VIEW, lying West of the Southerly prolongation of the East line of said Lot 1. Except for all that part lying within a 10.00 feet-wide utility easement along the East line of said Lot 1. Containing 1,560 square feet, more or less.</p>
6	Willard, George	2409 S. 16th Terrace	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 30.00 feet of Lot 2, MORNING VIEW, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 2. Containing 1,400 square feet, more or less.</p>
7	Goff, Patricia A.	2500 S. 16th Street	<p>TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 60.00 feet of Lot 4, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the North line of said Lot 4 and within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 4. Containing 3,932 square feet, more or less.</p>

8	Goff, Patricia A.	2500 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 40.00 feet of Lot 5, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 5. Containing 2,660 square feet, more or less.
9	Van Baale, Mathew R. & Sara A.	2508 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 30.00 feet of Lot 6, PARR REPLAT SUBDIVISION, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the South line of said Lot 6 and within a 10.00 feet-wide platted utility and drainage easement along the West line of said Lot 6. Containing 1,574 square feet, more or less.
10	Pittman-Artis, Shirley A.	2601 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 25.00 feet of Lot 3, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the North line of said Lot 3 and within a 10.00 feet-wide platted utility easement along the East line of said Lot 3. Containing 1,095 square feet, more or less.
11	Wheeler, Jesse T. & Helen L.	2605 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 65.00 feet of Lot 2, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 2. Containing 4,565 square feet, more or less.
12	Brooks, Theresa D.	2620 S. 16th Street	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the West 30.00 feet of the South 95.00 feet of Lot 7, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the West line of the South 95.00 feet of said Lot 7. Containing 1,900 square feet, more or less.
13	Gutierrez, Amy Nicole & Alejandro Valdez	2609 S. 16th Terrace	TEMPORARY CONSTRUCTION EASEMENT (TCE): All of the East 60.00 feet of Lot 1, STIEFF REPLAT, a subdivision of record located within the City and County of Leavenworth, Kansas. Except for all that part lying within a 10.00 feet-wide platted utility easement along the East line of said Lot 1. Containing 5,000 square feet, more or less.