

(First Published in the Butler County Times-Gazette
on the 21st day of November, 2015.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2091

AN ORDINANCE PROVIDING FOR THE CONDEMNATION
OF CERTAIN REAL PROPERTY AND PROVIDING FOR
PUBLICATION IN THE OFFICIAL CITY NEWSPAPER.

WHEREAS, the governing body of the City of Augusta, Kansas has by Resolution Number 2015-15 declared it necessary to acquire fee simple title to the private property described herein for the use of the City of Augusta, Kansas for the public purposes of obtaining land for an FAA-mandated runway approach and safety area north of the existing runway at the Augusta Municipal Airport; and

WHEREAS, said Resolution has been published once in the official city newspaper on the 7th day of November, 2015; and

WHEREAS, the governing body of the City of Augusta, Kansas has, by said Resolution, authorized a survey and description of the land to be condemned to be made by Alfred Benesch & Company. And, said survey and description has been made and filed with the City Clerk; and

WHEREAS, the City of Augusta, Kansas has attempted and failed to acquire said real property by purchase or donation by virtue of the fact that the owners of said real property have refused to sell or donate the same to the City of Augusta, Kansas.

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

Section 1. Public Purposes Declared

In order to provide for the public purposes of obtaining land for an FAA-mandated runway approach and safety area north of the existing runway at the Augusta Municipal Airport, it is hereby declared necessary to acquire fee simple title to the following privately owned real property for use by the City of Augusta, Kansas, to-wit:

A TRACT OF LAND LOCATED IN RESERVE NO. 2, KELLOGG HEIGHTS, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN BUTLER COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF SAID RESERVE NO. 2, THENCE N 88°44'05" E, ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, A DISTANCE OF 620.18 FEET TO THE **POINT OF BEGINNING**; THENCE N 11°50'17" E, A DISTANCE OF 260.71 FEET; THENCE S 86°41'34" E, A DISTANCE OF 95.12 FEET; THENCE S 03°18'39" W, A DISTANCE OF 242.12 FEET TO A POINT ON THE SOUTH LINE OF SAID RESERVE NO. 2; THENCE S 88°44'05" W, ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, A DISTANCE OF 96.42 FEET; THENCE S 00°42'49" E, ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, A DISTANCE OF 5.00 FEET; THENCE S 88°44'05" W, ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, A DISTANCE OF 38.13 FEET TO THE **POINT OF BEGINNING**. CONTAINING AN AREA OF 28,311.30 SQUARE FEET, 0.650 ACRES;

AND

A TRACT OF LAND LOCATED IN RESERVE NO. 2, KELLOGG HEIGHTS, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE SIXTH PRINCIPAL MERIDIAN IN BUTLER COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID RESERVE NO. 2, THENCE N 88°44'05" E, ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, A DISTANCE OF 620.18 FEET; THENCE N 11°50'17" E, A DISTANCE OF 260.71 FEET; THENCE N 86°41'34" W, A DISTANCE OF 678.42 FEET TO A POINT ON THE WEST LINE OF SAID RESERVE NO. 2; THENCE S 00°42'07" E, ALONG THE WEST LINE OF SAID RESERVE NO. 2, A DISTANCE OF 308.02 FEET TO THE **POINT OF BEGINNING**. CONTAINING AN AREA OF 182,967.55 SQUARE FEET, 4.200 ACRES.

Section 2. Condemnation Under the Right of Eminent Domain

Said real property is hereby condemned and appropriated by the governing body of the City of Augusta, Kansas under the right of eminent domain pursuant to K.S.A. 26-201 by virtue of the fact that the owners of said real property have refused to sell or donate the same to the City of Augusta, Kansas.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Adopted by the City Council this 16th day of November, 2015.

Approved by the Mayor this 16th day of November, 2015.

MAYOR, MATT CHILDERS

SEAL

ATTEST:

CITY CLERK, ERICA JONES