

ORDINANCE NO. 2044

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF IMPROVEMENTS FOR USE BY CITY UTILITY DEPARTMENT IN THE CITY OF BURLINGAME, OSAGE COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF OSAGE COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

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

SECTION 1: That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of clearing the brush and debris and improving the property for use including storage and use by City utility departments.

SECTION 2: That the description of the lands and title therein necessary for the purpose of such use is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21 and 22, Block 1, in the Original Town of Burlingame, according to the recorded Plat thereof, and all that part of Lots 12 and 13, Block 1, in the Original Town of Burlingame, according to the recorded Plat thereof, lying South and East of the center line of the abandoned right of way of the Atchison, Topeka and Santa Fe Railway Company, formerly The Burlingame and Northwestern Railway Company, formerly the Manhattan, Alma and Burlingame Railway Company.

All that part of Lots 1 and 2, Block 2, in the Original Town of Burlingame, according to the recorded Plat thereof, lying South and East of the center line of the abandoned right of way of the Atchison, Topeka and Santa Fe Railway Company, formerly the Burlingame and Northwestern Railway Company, formerly the Manhattan, Alma and Burlingame Railway Company.

All of Lots 2, 3, 4, 5, and 21, Block 12, according to the recorded Plat thereof, and all that part of Lots 6, 17, 18, 19 and 20, Block 12 in the Original Town of Burlingame, according to the recorded Plat thereof, lying South and East of the center line of the abandoned right of way of the Atchison, Topeka and Santa Fe Railway Company, formerly the Burlingame and Northwestern

Railway Company, formerly the Manhattan, Alma and Burlingame Railway Company.

SECTION 3: That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Osage County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4: That the costs of said acquisition when ascertained shall be paid from the general fund of the City of Burlingame, unless general improvement funds would be required to be issued for the costs of such improvements. That the costs of said acquisition shall be charged to the City at large.

SECTION 5: That this Ordinance shall take effect and be in force from after its passage and publication once in the official City paper.

ADOPTED at Burlingame, Kansas this 18th day of October, 2004.

Raymond Hovestadt, Mayor

ATTEST:

Cheryl Holloway, City Clerk