

ORDINANCE NO. 1447

(First published in the Advocate of Phillips County, Kansas)

AN ORDINANCE CONDEMNING CERTAIN PROPERTY LOCATED IN PHILLIPS COUNTY, KANSAS, FOR THE PURPOSE OF BUILDING AN AIRPORT FOR THE BENEFIT OF THE CITIZENS OF PHILLIPSBURG AND THE SURROUNDING AREA PURSUANT TO K.S.A. 26-201, 2020 SUPP.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, PHILLIPS COUNTY, KANSAS:

WHEREAS, the City Council for the City of Phillipsburg, Kansas, has determined it needs certain private property to build an airport facility which will not only benefit the residents of Phillips County, Kansas, but also those in the general area. The land to be acquired is more particularly described as follows:

See attached Exhibit "A".

WHEREAS, pursuant to such public notice, on March 7, 2022, at City Hall, the City Council of Phillipsburg, Kansas, as required by law, held a public hearing to consider the contemplated acquisition and annexation of the subject property.

WHEREAS, the City Council authorized a survey and description of the land or the interest to be condemned made by a licensed land surveyor who is confident to conduct a land survey and file such survey with the City Clerk of the City of Phillipsburg, Kansas, and the County Clerk of Phillips County, Kansas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Phillipsburg, Kansas, on the 21st day of November, 2022, determines and finds as follows:

Section 1. Acquisition by the City of Phillipsburg, Kansas, of the real property described in this Ordinance for use of an airport facility will fulfill a public necessity for the benefit of Phillips County, Kansas, and its surrounding area. It will preserve and promote the present and future viability of the City of Phillipsburg, Kansas, as well as promoting business activity within the City of Phillipsburg, Kansas.

Section 2. That the subject property is primarily vacant and is readily adaptable for development as an airport facility with minimal expense.

Section 3. That the interest to be taken shall be fee simple title for the purpose of building said airport.

Section 4. The City of Phillipsburg is hereby authorized to institute such proceedings against such persons as may be necessary in order to enforce the provisions of this ordinance so as to condemn the attached property as Exhibit "A" for the public necessity of building an airport.

Passed by the City Council for the City of Phillipsburg, Kansas, this 21st day of November, 2022.



CITY OF PHILLIPSBURG, KANSAS

A handwritten signature in blue ink, appearing to read "Breton R. Miles".

Breton R. Miles, Mayor

TEST:

A handwritten signature in blue ink, appearing to read "Tiffani Gross".

Tiffani Gross
City Clerk

EXHIBIT "A"

TRACT 1

A portion of the Southwest Quarter of Section 35, Township 3 South, Range 18 West of the 6th Principal Meridian, Phillips County, Kansas, described as follows by Nicholas D. Schmidt, PS #1492, this 6th day of July, 2022:

Commencing at the Southeast corner of said Southwest Quarter; thence on a NAD 83 Kansas North Zone bearing of North 88°51'28" West on the South line of said Southwest Quarter a distance of 460.67 feet to the point of beginning; thence continuing North 88°51'28" West on said South line a distance of 178.00 feet; thence North 36°26'06" West a distance of 128.50 feet; thence South 53°33'47" West a distance of 103.90 feet; thence North 36°26'37" West a distance of 251.99 feet; thence South 53°33'54" West a distance of 390.53 feet to said South line; thence North 88°51'28" West on said South line a distance of 385.69 feet; thence North 28°10'16" West a distance of 501.82 feet; thence North 44°57'14" West a distance of 368.41 feet; thence North 43°46'00" East a distance of 553.94 feet; thence North 12°42'07" East a distance of 495.90 feet; thence South 89°06'56" East a distance of 355.38 feet to the West line of the Replat of a portion of Sunrise Subdivision, City of Phillipsburg, Phillips County, Kansas; thence South 00°53'04" West on said West line a distance of 317.85 feet to the South line of Jansonius Street; thence South 88°52'32" East on said South line a distance of 11.65 feet to the Northwest corner of a parcel described in Book 390, Page 191 at the Phillips County Register of Deeds Office; thence South 01°07'28" West on the West line thereof a distance of 102.46 feet to the Southwest corner thereof; thence South 89°05'28" East on the South line thereof a distance of 104.72 feet to the Southeast corner thereof; thence North 01°07'28" East on the East line thereof a distance of 102.07 feet to the South line of said Jansonius Street; thence South 88°52'32" East on said South line a distance of 50.77 feet to the Northwest corner of a parcel described in Book 444, Page 418 at said Register of Deeds Office; thence South 01°07'28" West on the West line thereof a distance of 169.92 feet to the Southwest corner of a parcel described in Book 305, Page 55 at said Register of Deeds Office; thence South 88°57'33" East on the South line thereof a distance of 104.91 feet to the Northwest corner of a parcel described in Book 311, Page 79 at said Register of Deeds Office; thence South 00°44'47" West on the West line thereof a distance of 230.05 feet to the Southwest corner thereof; thence South 88°51'57" East on the South line thereof a distance of 120.14 feet to the Southeast corner thereof; thence South 27°24'20" East a distance of 991.00 to the point of beginning.

Containing **32.00 Acres** and subject to any easements or restrictions of record.

TRACT 2

A portion of the Southwest Quarter of Section 35, Township 3 South, Range 18 West of the 6th Principal Meridian, Phillips County, Kansas, described as follows by Nicholas D. Schmidt, PS #1492, this 6th day of July, 2022:

Commencing at the Southeast corner of said Southwest Quarter; thence on a NAD 83 Kansas North Zone bearing of North 88°51'28" West on the South line of said Southwest Quarter a distance of 638.67 feet to the point of beginning; thence continuing North 88°51'28" West on said South line a distance of 623.91 feet; thence North 53°33'54" East a distance of 390.53 feet; thence South 36°26'37" East a distance of 251.99 feet; thence North 53°33'47" East a distance of 103.90 feet; thence South 36°26'06" East a distance of 128.50 feet to the point of beginning.

Containing **1.56 Acres** and subject to any easements or restrictions of record.