

(Published at www.mcpcity.com beginning on _____, 2023.)

ORDINANCE NO. 3392

**AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS
AUTHORIZING THE CONDEMNATION OF VARIOUS TRACTS
OF REAL PROPERTY FOR STREETS AND ALLEYWAYS.**

WHEREAS, the City of McPherson is a Kansas municipality and has the power of eminent domain including but not limited to such powers as provided pursuant to K.S.A. 26-201;

WHEREAS, pursuant to K.S.A. 26-201, the City of McPherson, Kansas has taken all necessary preliminary steps for the passage of this Ordinance, including passage of Resolution 22-21 and the filing with the City Clerk of the required legal descriptions on January 31, 2023;

WHEREAS, the City may condemn property for streets and alleyways pursuant to K.S.A. 14-423;

WHEREAS, Hopp's Rentals, LLC, a Kansas limited liability company, owns the following parcel of ground in McPherson County, Kansas:

PARCEL 1

A portion of Lot 2, Block 43, Original Town Site, McPherson, McPherson County, Kansas, described as follows by Nicholas D. Schmidt, PS #1492, this 10th day of January, 2023:

Beginning at the Southeast corner of said Lot 2; thence on a NAD 83 Kansas South Zone bearing of South 88°36'15" West on the South line of said Lot 2 a distance of 142.24 feet; feet to the Southwest corner of said Lot 2; thence North 00°37'21" West on the West line of said Lot 2 a distance of 15.00 feet; thence North 88°36'15" East parallel with said South line a distance of 142.26 feet to the East line of said Lot 2; thence South 00°33'36" East on said East line a distance of 15.00 feet to the point of beginning.

Said legal containing **2,134 Square Feet**, more or less and subject to any other easements or restrictions of record.

WHEREAS, Troy S. Winter, d/b/a A-1 Auto and Alignment, owns the following parcel of ground in McPherson County, Kansas.

PARCEL 2

A portion of Lot 3, Block 43, Original Town Site, McPherson, McPherson County, Kansas, described as follows by Nicholas D. Schmidt, PS #1492, this 10th day of January, 2023:

Beginning at the Northeast corner of said Lot 3; thence on a NAD 83 Kansas South Zone bearing of South 00°42'04" East on the East line of said Lot 3 a distance of 15.00 feet; thence South 88°36'15" West parallel with the North line of said Lot 3 a distance of 107.26 feet; thence South 44°08'35" West a distance of 49.35 feet to the Southwest corner of said Lot 3; thence North 00°54'42" West on the West line of said Lot 3 a distance of 49.57 feet to the Northwest corner of said Lot 3; thence North 88°36'15" East on said North line a distance of 142.24 feet to the point of beginning.

Said legal containing **2,737 Square Feet** more or less and subject to any other easements or restrictions of record.

WHEREAS, the governing body of the City believes it is in the best interest of the City to have a public alleyway as detailed in the Resolution which is incorporated herein by reference.

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

Section 1. Grant of Authority. The above recitals are hereby incorporated. City Staff are hereby authorized to take all steps necessary to acquire by condemnation the above referenced tracts for the purposes detailed and the City Attorney is authorized to take all steps necessary to effectuate such condemnation.

Section 2. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

ADOPTED by the governing body this 7th day of February, 2023.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown
Thomas A. Brown, Mayor

Attest:

Britta Erkelenz
Britta Erkelenz, City Clerk

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