



State of Kansas, Montgomery County  
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Fee: \$0.00 202500560

*Marilyn Calhoun*  
Marilyn Calhoun, Register of Deeds



## ORDINANCE NO. 4481

### **An Ordinance Authorizing the Exercise of Eminent Domain to Acquire two Temporary Construction Easement and a Permanent Right of Way for Construction of a Multi-Use Pathway**

*Be it ordained by the Governing Body of the City of Independence, Kansas:*

**Section 1.** Pursuant to Resolution 2025-010 adopted by the Governing Body on February 13, 2025, the governing body has determined that for the benefit of the health, safety and welfare of the general public, it is necessary to acquire two temporary construction easements and a permanent right of way for placement of a multi-use path along West Main Street in Independence, Kansas on real estate hereinafter described.

**Section 2.** The survey containing the description of the land to be condemned for the two temporary construction easements and permanent right of way has been completed by a licensed surveyor and has been filed with the City Clerk.

**Section 3.** The governing body hereby authorizes exercise of its power of eminent domain to acquire two temporary construction easements and a permanent right of way on the following:

#### Temporary Construction Easement #1:

A portion of The Meadow's Subdivision located in a portion of the Northwest Quarter (NW/4) of Section 35, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, as described by William A. Boo, PS 1046, on September 3, 2024, as follows: Beginning at the Northwest

corner of Lot 6 of The Meadow's Subdivision; thence S 89°50'01" E, along the North line of Lot 6, a distance of 12.18 feet; thence S01°43'26" E, along the North line of Lot 6, a distance of 15.00 feet; thence N 85°54'26" E, along the South right-of-way line of W. Main Street, a distance of 67.80 feet; thence S 01°38'42" E, a distance of 37.51 feet; thence S 88°21'18" W, a distance of 79.86 feet to the West line of Lot 6; thence N 01°43'26" W, along said West line, a distance of 50.00 feet to the Point of Beginning. Contains 3048 square feet.

Temporary Construction Easement #2:

- A portion of The Meadow's Subdivision located in a portion of the Northwest Quarter (NW/4) of Section 35, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, as described by William A. Boo, PS 1046, on September 3, 2024, as follows: Commencing at the Northwest corner of Lot 6 of The Meadow's Subdivision; thence S 89°50'01" E, along the North line of Lot 6, a distance of 12.18 feet; thence S01°43'26" E, along the North line of Lot 6, a distance of 15.00 feet; thence N 85°54'26" E, along the South right-of-way line of W. Main Street, a distance of 204.87 feet; thence S 86°36'14" E, a distance of 58.66 feet to the Point of Beginning; thence S 83°44'50" E, a distance of 75.00 feet; thence S 06°15'10" W, a distance of 25.00 feet; thence N 83°44'50" W, a distance of 75.00 feet; thence N 06°15'10" E, a distance of 25.00 feet to the Point of Beginning. Contains 1875 square feet.

Permanent Right of Way:

- A portion of The Meadow's Subdivision located in a portion of the Northwest Quarter (NW/4) of Section 35, Township 32 South, Range 15 East of the 6th Principal Meridian, Montgomery County, Kansas, as described by William A. Boo, PS 1046, on September 3, 2024, as follows: Commencing at the Northwest corner of Lot 6 of The Meadow's Subdivision; thence S 89°50'01" E, along the North line of Lot 6, a distance of 12.18 feet; thence S01°43'26" E, along the North line of Lot 6, a distance of 15.00 feet; thence N 85°54'26" E, along the South right-of-way line of W. Main Street, a distance of 204.87 feet to the Point of Beginning; thence S 86°36'14" E, a distance of 58.66 feet; thence S 83°44'50" E, a distance of 236.55 feet; thence S 71°31'59" E, a distance of 55.79 feet; thence S 86°31'59" E, a distance of 10.04 feet to the East line of The Meadow's Subdivision; thence N 01°31'59" W, along said East line, a distance of 8.87 feet to the current South right-of-way line of West Main Street; thence following said South right-of-way line along non-tangent curve to the left, having a radius of 1851.82 feet, an arc length of 329.08 feet, a chord bearing of N 82°51'59" W and a chord distance of 328.64 feet; thence S 85°54'26" W, along said current South right-of-way line, a distance of 30.37 feet to the Point of Beginning. Contains 2112 square feet.

**Section 4.** This ordinance shall take effect on its publication in the official City newspaper.

*Adopted by the Governing Body of the City of Independence, Kansas, on the 27<sup>th</sup> day of February, 2025.*



  
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W.S. SMITH, Mayor

ATTEST:

  
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DAVID W. SCHWENKER, City Clerk