

**ORDINANCE NO. 578**

**AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, PROVIDING FOR THE ACQUISITION OF CERTAIN PRIVATE PROPERTY, CONSISTING OF FEE SIMPLE TITLE TO REAL ESTATE, FOR THE PURPOSE OF IMPROVING THE PUBLIC WATER SUPPLY SYSTEM OF THE CITY OF HIGHLAND, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES; DIRECTING THE CITY ATTORNEY AND MAYOR TO PROCEED WITH THE ACQUISITION THEREOF; AND PROVIDING FOR PAYMENT OF THE COSTS THEREOF.**

WHEREAS, the City of Highland, Kansas, operates a public water system for the purposes of facilitating and maintaining the general health, convenience and welfare of its citizens and the general public; and

WHEREAS, the existing water system must be improved to treat the rising level of nitrates in the existing water supply and, heretofore, have conducted detailed engineering studies and plans, including land surveys and descriptions, and has received approval for a planned lagoon system, all resulting in a planned addition to said water system;

WHEREAS, the proposed lagoon system is to be located upon private property as described herein and it is necessary and in the public interest to acquire said real estate by agreement with the landowner;

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

SECTION 1: It is hereby declared to be a public necessity to acquire, by private agreement, for the purpose of improving the public water system of the City of Highland, Kansas, the private property hereinafter described in SECTION 2, pursuant to statutory and home rule authority.

SECTION 2: The private property, consisting of fee simple title to real estate, which is required for public use in connection with the construction and operation of said public water system, is described as follows:

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 19 EAST OF THE 6TH P.M. IN DONIPHAN COUNTY, KANSAS, PREPARED BY AL DIEBALL PS 758 WRITTEN 2 DECEMBER 2021, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14, THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14 N.88°30'42"E. (BEING AN ASSUMED BEARING) 605.00 FEET; THENCE S.1°20'11"E. 656.61 FEET TO THE NORTH LINE OF A TRACT CONVEYED TO THE CITY OF HIGHLAND RECORDED IN BOOK 224 ON PAGE 294 AT THE DONIPHAN COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH LINE OF SAID CITY OF HIGHLAND TRACT S.88°39'49"W. 605.00 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14 AND THE NORTHWEST CORNER OF SAID CITY OF HIGHLAND TRACT; THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 14 N.01°20'11"W. 655.00 FEET TO THE POINT OF BEGINNING, CONTAINING 9.11 ACRES, INCLUDING 0.451 ACRES OF EXISTING PUBLIC ROAD EASEMENT.

SECTION 3: The City Attorney, City Clerk and Mayor are hereby authorized and directed to commence such measures, including preparation and execution of documents and payment of expenses, as are necessary or required to acquire said real estate, in accordance with the proposed contract between the City and landowner, and to take such other and further action as may be necessary or required in connection with such acquisition.

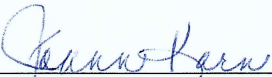
SECTION 4: The costs of said acquisition, when ascertained, shall be paid from the general fund of the City of Highland, Kansas, or from any special fund, grant funds or loan funds provided for such purpose, with such costs to be borne by the City at large.

SECTION 5: This ordinance shall take effect, and be in full force, from and after its passage and publication in the official city newspaper.

Passed by the Governing Body and approved by the Mayor of the City of Highland, Kansas, this 8th day of December, 2021.

  
Charles N. Batchelder, Mayor

ATTEST:

  
Joann Karn, City Clerk

