

ORDINANCE NO. 1535

**AN ORDINANCE CONDEMNING LAND FOR THE COLBY MUNICIPAL AIRPORT AND SHALZ FIELD IMPROVEMENT PROJECT ("THE PROJECT") AND DIRECTING THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS AS PROVIDED BY LAW TO ACQUIRE THE TRACTS AND PARCELS OF LAND DESCRIBED IN THIS ORDINANCE.**

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

**SECTION 1.** The following described land is hereby condemned and appropriated to the City of Colby, Kansas to-wit:

**See Exhibit "A", which is attached hereto and incorporated herein by reference.**

**SECTION 2.** It is hereby found that the costs of the Project will be paid by the City of Colby, Kansas, partially utilizing funds provided by the Federal Aviation Administration.

**SECTION 3.** The City Attorney is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above described property by exercising the City's right of eminent domain, and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

**PASSED BY THE GOVERNING BODY AND SIGNED BY THE MAYOR** this 17<sup>th</sup> day of December, 2013.

\_\_\_\_\_  
Gary L. Adrian, Mayor

ATTEST:

\_\_\_\_\_  
Joni L. Ketchum, City Clerk

Seal

**EXHIBIT "A"**

**Tract No. 9A**

Fee Owner: Gary Baumfalk  
Yvonne Baumfalk  
120 W Aspen  
Colby, Kansas 67701

**Interest to be acquired:**

The Fee simple interest in:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 33 WESET OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTH QUARTER CORNER OF SAID SECTION 19, THENCE N 87°57'17" W, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 176.39 FEET TO THE POINT OF BEGINNING; THENCE S 02°19'11" W, A DISTANCE OF 1319.93 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N 87°56'14" W, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 262.05 FEET; THENCE N01°58'02" E, A DISTANCE OF 1319.83 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE S 87°57'17" E, A DISTANCE OF 270.18 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 351,239.25 SQUARE FEET, OR 8.06 ACRES, MORE OR LESS.

**Tract No. 16**

Fee Owner: Gary Baumfalk  
Yvonne Baumfalk  
120 W Aspen  
Colby, Kansas 67701

**Interest to be acquired:**

The Fee simple interest in:

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 7 SOUTH, RANGE 33 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 19, THENCE N 87°57'17" W, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 176.39 FEET; THENCE S 02°19'11" W, A DISTANCE OF 1319 93 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE S 87°56'14" E, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 189.08 FEET TO THE NORTHEAST CORNER OF THE

SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE N 01°46'08" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 19, A DISTANCE OF 1319.98 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 241,200.98 SQUARE FEET, OR 5.54 ACRES, MORE OR LESS.

**Tract No. 11B**

Fee Owner: Louis Taylor  
Linda Kay Taylor  
1943 Redwood Dr  
Colby, Kansas 67701

**Interest to be acquired:**

The Fee Simple Interest in:

LOTS 3 THRU 8, BLOCK 4, SUNFLOWER ACRES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 33 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 8, THENCE N 87°54'27" W, ALONG THE NORTH LINE OF THE SUNFLOWER ACRES PLAT AND THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 30, A DISTANCE OF 1316.41 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE S 02°23'54" W, A DISTANCE OF 575.70 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE N 87°36'06" W, A DISTANCE OF 227.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 3; THENCE S 02°23'54" W, A DISTANCE OF 191.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, THENCE S 87°36'06" E, A DISTANCE OF 455.46 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4, THENCE N 02°23'54" E, A DISTANCE OF 451.32 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6, THENCE S 87°36'06" E, A DISTANCE OF 1089.38 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8, THENCE N 02°15'12" E, A DISTANCE OF 322.70 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 566,633.74 FEET, OR 13.01 ACRES, MORE OR LESS.

**Tract No. 11C**

Fee Owner: Louis Taylor  
Linda Kay Taylor  
1943 Redwood Dr  
Colby, Kansas 67701

**Interest to be acquired:**

The Fee Simple Interest in:

LOTS 4 AND 5, BLOCK 3, LOTS 9 AND 10, BLOCK 2, PART OF LOT 3, BLOCK 3, PART OF LOT 3, BLOCK 2, PART OF LOT 8, BLOCK 2 AND A PART OF VACATED ROYAL LANE, ALL IN SUNFLOWER ACRES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 33 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY, KANSAS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 3, THENCE N 87°36'06" W ALONG THE SOUTH LINE OF BURMIT DRIVE, A DISTANCE OF 1039.50 FEET TO THE NORTHWEST CORNER OF LOT 5, BLOCK 2, THENCE S 02°23'54" W, ALONG THE EAST LINE OF ROXANNE LANE, A DISTANCE OF 451.32 FEET TO A CORNER OF LOT 5, BLOCK 2, THENCE S 87°40'49" E A DISTANCE OF 1040.50 FEET TO A POINT ON THE EAST LINE OF LOT 3, BLOCK 3, THENCE N 02°16'12" E, A DISTANCE OF 499.90 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 468,637.03 SQUARE FEET, OR 10.76 ACRES, MORE OR LESS.

**Tract No. 11H**

Fee Owner: Louis Taylor  
Linda Kay Taylor  
1943 Redwood Dr  
Colby, Kansas 67701

**Interest to be acquired:**

The Fee Simple Interest in:

A PART OF THE VACATED ROYAL LANE ADJACENT TO LOTS 3 THROUGH 5, BLOCK 3, AND LOTS 8 THROUGH 10, BLOCK 2, SUNFLOWER ACRES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 33 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 3, THENCE N 87°36'06" W, ALONG THE SOUTH LINE OF BURMIT DRIVE, A DISTANCE OF 50.00 FEET TO THE NORTHEAST CORNER OF LOT 10, BLOCK 2, THENCE S 02°23'54" W, A DISTANCE OF 516.30 FEET; THENCE S 87°40'49" E, A DISTANCE OF 50.00 FEET, THENCE N 02°23'54" E, A DISTANCE OF 516.23 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 25,813.39 SQUARE FEET, OR 0.59 ACRES, MORE OR LESS.

**Tract No. 11C-E**

Fee Owner: Louis Taylor  
Linda Kay Taylor  
1943 Redwood Dr  
Colby, Kansas 67701

**Interest to be acquired:**

An Aviation Easement in:

PART OF LOT 3, BLOCK 3, PART OF LOTS 3 THROUGH 5, BLOCK 2, PART OF LOT 8, BLOCK 2, AND A PART OF VACATED ROYAL LANE, ALL IN SUNFLOWER ACRES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 7 SOUTH,

RANGE 33 WEST OF THE SIXTH PRINCIPAL MERIDIAN IN THOMAS COUNTY,  
KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 2, THENCE S 02°23'54"  
W, ALONG THE EAST LINE OF JENNY LANE, A DISTANCE OF 66.51 FEET; THENCE S  
87°40'49" E, A DISTANCE OF 1515.57 FEET TO A POINT ON THE EAST LINE OF LOT 3,  
BLOCK 3; THENCE N 02°16'12" E, A DISTANCE OF 65.86 FEET; THENCE N 87°40'49" W,  
A DISTANCE OF 1040.50 FEET TO A CORNER OF LOT 5, BLOCK 2; THENCE  
N 87°36'06" W, ALONG THE SOUTH LINE OF ANJIE DRIVE, A DISTANCE OF 474.92  
FEET TO THE NORTHWEST CORNER OF LOT 4, BLOCK 2 AND THE POINT OF  
BEGINNING, CONTAINING AN AREA OF 99,999.62 SQUARE FEET, OR 2.29 ACRES,  
MORE OR LESS.