

ORDINANCE NO. 2023-3212

AN ORDINANCE OF THE CITY OF CONCORDIA, KANSAS, ORDERING THROUGH THE EXERCISE OF EMINENT DOMAIN THE CONDEMNATION AND APPROPRIATION OF CERTAIN INTERESTS IN CERTAIN REAL ESTATE IN CLOUD COUNTY, KANSAS, FOR THE USE OF SAID CITY FOR A PUBLIC HOUSING PROJECT, MITIGATION OF A BLIGHTED AREA THAT HAS BEEN CONDEMNED BY THE CITY OF CONCORDIA PREVIOUSLY, AND SIGNIFICANT INVESTMENT OF PUBLIC FUNDS IN NUISANCE ABATEMENT AND DEMOLITION OF STRUCTURES AND GRANTING AUTHORIZATION TO OBTAIN A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE CONDEMNED, ALL IN ACCORDANCE WITH K.S.A. 26-201.

WHEREAS, the Governing Body of the City of Concordia, Kansas, did on September 6, 2023, adopt Resolution No. 2023-2163, thereby finding, determining, and resolving it to be necessary and in the public interest to exercise its power of eminent domain to appropriate for public use and purpose certain interests in certain real estate in Cloud County, Kansas, for the use of a public housing project, mitigation of a blighted area, and such property has been condemned by the City of Concordia previously, and significant investment of public funds in nuisance abatement and demolition of structures.

WHEREAS, the Governing body has heretofore authorized and ordered a survey by a competent engineer of the interests in the lands to be condemned and said survey has been made and filed with the City Clerk for the City of Concordia.

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

SECTION 1: The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2: The Governing Body hereby affirms all of its prior orders and declarations regarding the necessity for the appropriation through the exercise of eminent domain of certain real estate interests for the use of said City for the purpose of the use of a public housing project, mitigation of a blighted, and such property has been condemned by the City of Concordia previously, and significant investment of public funds in nuisance abatement and demolition of structures.

SECTION 3: The certain interests in certain real estate to be taken by eminent domain for such public purposes are described in detail in Exhibit A, which is affixed hereto and incorporated herein by reference as if set forth in full.

SECTION 4: The certain interests in the certain real estate described in Section 3, *supra*, are hereby ordered condemned for the purposes and for the use described in Section 2, *supra*.

SECTION 5: The City Attorney, for and on behalf of the Governing Body, is hereby authorized and directed to file, under the Eminent Domain Procedures Act, K.S.A. 26-501 *et seq.* a verified petition in the District Court of Cloud County, Kansas, Twelfth Judicial District, for the condemnation and appropriation of the certain interests in certain real estate described in Section 3, *supra*, together with Resolution No. 2023-2163 of the City of Concordia, Kansas, and to do all things necessary for the condemnation and acquisition of said interests in real estate the public housing project.

SECTION 6: This ordinance shall constitute the final order exercising eminent domain and setting forth the condemnation of the interests in the real estate described herein and the purpose for which the same shall be used.

SECTION 7. This ordinance shall be summarized for publication as follows:

On September 20, 2023, the City of Concordia adopted Ordinance No. 2023-3212 for describing the rights of the City of Concordia for eminent domain. A reproduction of this ordinance will be available for not less than one week following the publication of this summary of the ordinance at the website address of the City of Concordia,

<http://www.concordiaks.org>. This summary is certified by the city attorney to be legally accurate and sufficient.

SECTION 8: This ordinance shall be in full force and effect from and after its passage and publication according to law.

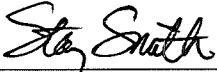
PASSED and **ADOPTED** by the Governing Body and signed by the Mayor this 20th day of September, 2023.



Charles P. Lambertz, Mayor

(SEAL)

ATTEST:



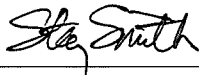
Stacey Smith, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Justin L. Ferrell, City Attorney

ORDINANCE CERTIFICATE

I hereby certify that the foregoing is an original ordinance; that said ordinance was passed on the 20th day of September, 2023; that the record of the final vote on its passage is found on page ____ of the minutes journal; that the ordinance summary was published in the Concordia Blade-Empire on the 22nd day of September, 2023.



_____, City Clerk