

ORDINANCE NO. 5166-25

AN ORDINANCE AUTHORIZING THE COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY AND REAL PROPERTY INTERESTS FOR THE PURPOSE OF RECONSTRUCTING HILLSIDE NORTH OF SE 12TH IN HARVEY COUNTY, KANSAS

WHEREAS, the City of Newton, Kansas plans to undertake the reconstruction of Hillside Road (the “Project”) and finds it necessary to appropriate certain real property and real property interests for such project.

WHEREAS, the City has to date been unable to procure such real property and real property interests by negotiation and finds it necessary to resort to its right and power of eminent domain.

WHEREAS, pursuant to the authority of K.S.A. 26-201 *et. seq.* cities are authorized to exercise the right and power of eminent domain to acquire real property and real property interests for public purposes.

WHEREAS, the City Commission adopted Resolution No. G-1358 on May 13th, 2025, finding that the Project is in the public interest, that it is necessary to acquire certain real property and real property interests by eminent domain and directing a survey of the properties and descriptions of the real property and real property interest to be condemned for the Project, which surveys and descriptions have been filed with the City Clerk.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Newton, Kansas, pursuant to its right and power of eminent domain, hereby provides for and authorizes the following:

Section 1. That the Project is in the public interest.

Section 2. That the City has to date been unable to acquire all real property and real property interests to construct the Project by negotiation and must, therefore, resort to its right and power of eminent domain pursuant to K.S.A. 26-201, *et seq.* to acquire such real property and real property interests.

Section 3. That the Governing Body hereby directs eminent domain proceedings be initiated in the District Court of Harvey County, Kansas, to condemn, for public use for the Project, the following described real property and real property interests:

The west 20.00 feet of the east 50.00 feet of the north 290.00 feet of the south 690.00 feet of the SE 1/4 of Sec. 22, T23S, R1E of the 6th P.M., Harvey County, Kansas.

Section 3. This Ordinance shall take effect and be in force from and after its

passage and publication as required by law.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
NEWTON, KANSAS ON THIS 13th DAY OF MAY, 2025.**



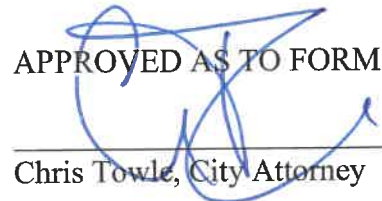
Rich Stinnett, Mayor

ATTEST:



Denise Duerksen, City Clerk

APPROVED AS TO FORM:



Chris Towle, City Attorney