CITY OF COFFEYVILLE
BOARD OF COMMISSIONERS AGENDA ITEM

MEETING DATE	November 26, 2013	
RESOLUTION OR ORDINANCE NUMBER	R-13-102	
AGENDA TITLE	Resolution to authorize the execution of a real estate contract and related documents for the sale of a vacant lot to Sean O'Brien	
REQUESTING DEPARTMENT	Administration	
PRESENTER	Gary Bradley	
FISCAL INFORMATION	Cost as recommended:	None
	Budget Line Item:	N/A
	Balance Available	N/A
	New Appropriation Required:	[ ] Yes [X] No
PURPOSE	Authorizes sale of vacant land to Sean O'Brien	
BACKGROUND	Mr. O'Brien has offered to purchase 1.1 acres near the Industrial Park to build a concrete plant. The proposed purchase price is $1,100. An aerial denoting the property to be sold is included in the agenda material.	
SPECIAL NOTES	An Ordinance to annex this property into the city limits is also included in this meeting's agenda for 1st reading.	
ANALYSIS	The City has no anticipated use for this property. The addition of another concrete plant will create additional jobs in the community and help to add to the tax base. The visual impact of the new plant should be minimal as it will be located just east of the overpass near the Industrial Park.	

PUBLIC INFORMATION PROCESS	
BOARD OR COMMISSION RECOMMENDATION	
STAFF RECOMMENDATION	Staff recommends approval of the resolution.
REFERENCE DOCUMENTS ATTACHED	Real Estate Contract

RESOLUTION NO. R-13-102

A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT AND RELATED DOCUMENTS FOR THE SALE OF CERTAIN REAL PROPERTY TO SEAN O'BRIEN.

BE IT RESOLVED by the Board of Commissioners of the City of Coffeyville, Kansas, that the Mayor and City Clerk be and are hereby authorized and directed to execute a Real Estate Contract for the sale of the following property to Sean O'Brien, and such other documents that are necessary for such conveyance, including but not limited to a quitclaim deed, to-wit:

A tract of land located in a portion of Government Lot 6 of Fractional Section 18, Township 34 South, Range 17 East of the Sixth Principal Meridian, Montgomery County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of said Lot 6, of said Fractional Section 18; Thence N.88°23'53"W. along the South line of said Lot 6 a distance of 71.69 feet to the West Right of Way Line of Existing Highway 169, said point being the Point of Beginning; Thence continuing N.88°23'53"W. along said South line a distance of 616.55 feet to the Proposed East Right of Way line of Relocated Highway 169 according to the Kansas Department of Transportation Project Number 169-63 K-8241-01; Thence N.02°44'46"E. along said Proposed East Right of Way line a distance of 153.26 feet; Thence N.84°30'04"E. on a line parallel and 20 feet South of an existing railroad spur centerline, a distance of 452.80 feet to the point of curvature of a tangent horizontal curve to the right, said curve having a radius of 2844.29 feet, a central angle of 3°05'24" and an arc length of 153.42 feet; Thence along said curve and continuing parallel to said railroad spur centerline a chord bearing of N.86°02'46"E., a chord distance of 153.40 feet to the West Right of Way line of Existing Highway 169; Thence S.01°19'51E. along said Right of Way line a distance of 224.35 feet to the Point of Beginning and containing 116,130 square feet or 2.666 acres, said tract of land being subject to a 20 foot wide Utility Easement the centerline of which is described as follows:

Commencing at the Southeast corner of said Lot 6, of said Fractional Section 18; Thence N.88°23'53"W. along the South line of said Lot 6 a distance of 71.69 feet to the West Right of Way Line of Existing Highway 169; Thence N.01°19'51'W. along said West Right of Way line a distance of 203.35 feet to the Point of Beginning of said centerline of a 20 foot wide Utility Easement, said point being on a tangent horizontal curve to the left having a radius of 2824.79 feet, a central angle of 3°04'56", and an arc length of 151.96 feet; Thence along said curve and centerline a chord bearing of S.86°02'32"W. a chord distance of 151.95 feet to the Point of Tangency of said curve; Thence S.84°30'04"W. along said centerline a distance of 413.06 feet to the Proposed East Right of Way Line of Relocated

Highway 169 according to the Kansas Department of Transportation Project Number 169-63 K-8241-01, said point being the point of terminus of said center line of the 20 foot wide Utility Easement.

Adopted this 26th day of November 2013.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

Approved as to Form:

_____
Paul Kritz, City Attorney

REAL ESTATE CONTRACT

THIS AGREEMENT made and entered into as of this ____ day of November, 2013, by and between the City of Coffeyville, Kansas, a municipal corporation, hereinafter referred to as "SELLER," and Sean O'Brien, hereinafter referred to as "BUYER," WITNESSETH:

FOR GOOD AND VALUABLE CONSIDERATION, SELLER and BUYER agree as follows:

1. Real Estate Sold. SELLER agrees to sell and BUYER agrees to buy the following described real estate situated in Montgomery County, Kansas, to-wit:

A tract of land located in a portion of Government Lot 6 of Fractional Section 18, Township 34 South, Range 17 East of the Sixth Principal Meridian, Montgomery County, Kansas, said tract of land being more particularly described as follows:

Commencing at the Southeast corner of said Lot 6, of said Fractional Section 18; Thence N.88°23'53"W. along the South line of said Lot 6 a distance of 71.69 feet to the West Right of Way Line of Existing Highway 169, said point being the Point of Beginning; Thence continuing N.88°23'53"W. along said South line a distance of 616.55 feet to the Proposed East Right of Way line of Relocated Highway 169 according to the Kansas Department of Transportation Project Number 169-63 K-8241-01; Thence N.02°44'46"E. along said Proposed East Right of Way line a distance of 153.26 feet; Thence N.84°30'04"E. on a line parallel and 20 feet South of an existing railroad spur centerline, a distance of 452.80 feet to the point of curvature of a tangent horizontal curve to the right, said curve having a radius of 2844.29 feet, a central angle of 3°05'24" and an arc length of 153.42 feet; Thence along said curve and continuing parallel to said railroad spur centerline a chord bearing of N.86°02'46"E., a chord distance of 153.40 feet to the West Right of Way line of Existing Highway 169; Thence S.01°19'51E. along said Right of Way line a distance of 224.35 feet to the Point of Beginning and containing 116,130 square feet or 2.666 acres, said tract of land being subject to a 20 foot wide Utility Easement the centerline of which is described as follows:

Commencing at the Southeast corner of said Lot 6, of said Fractional Section 18; Thence N.88°23'53"W. along the South line of said Lot 6 a distance of 71.69 feet to the West Right of Way Line of Existing Highway 169; Thence N.01°19'51'W. along said West Right of Way line a distance of 203.35 feet to the Point of Beginning of said centerline of a 20 foot wide Utility Easement, said point being on a tangent horizontal curve to the left having a radius of 2824.79 feet, a central angle of 3°04'56", and an arc length of 151.96 feet; Thence along said curve and centerline a chord bearing of S.86°02'32"W. a chord distance of 151.95 feet to the Point of Tangency of said curve; Thence S.84°30'04"W. along said centerline a distance of 413.06 feet to the Proposed East Right of Way Line of Relocated Highway 169 according to the Kansas Department of Transportation Project Number 169-63 K-8241-01, said point being the point of terminus of said center line of the 20 foot wide Utility Easement.

together with any improvements thereon, subject to the terms and conditions stated in this agreement.

2. Purchase Price. The purchase price is $1,100.00, which shall be paid at closing, subject to adjustments and pro-rations as provided herein.

3. Closing and Possession. This agreement shall be closed on or before December 20, 2013, unless said closing date is extended by written consent of SELLER and BUYER. BUYER shall take possession at closing.

4. Taxes. SELLER will pay all taxes for 2013 and prior years. BUYER shall pay taxes for 2014 and all subsequent years.

5. Condition of Property. The property consists of vacant land. The BUYER is aware of the condition of the property and accepts it AS IS, WHERE IS, and IN ITS PRESENT CONDITION. SELLER makes no warranties regarding the property or its suitability for BUYER's intended use of the property.

6. Deed. SELLER shall convey whatever right, title or interest SELLER has in and to the property by a quitclaim deed and other necessary documents to complete this transaction, which shall be delivered to BUYER at closing, upon receipt of the total purchase price.

7. Annexation of Property. BUYER acknowledges SELLER is in the process of annexing the property into the city limit of Coffeyville. BUYER hereby consents to the annexation and agrees to take no action contrary thereto.

8. No Other Agreements. This agreement constitutes the entire contract between the parties, and there are no representations, warranties, conditions, or agreements other than those expressly stated herein.

9. Heirs and Assigns. This agreement shall extend to and become binding upon the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties have subscribed their names the day and year first above written.

SELLER – CITY OF COFFEYVILLE	BUYER
_____	_____
David George, Mayor	Sean O'Brien

Attest:

_____

Cindy Price, City Clerk

Proposed 169 Highway
Right of Way

Safety Kleen
234 Acres
Book 425– Page 460

Existing Highway
Right of Way

North

Scale: 1"= 200'

100 Year Flood Plain Line

Lot 6
SEC 18

Included angle = 03–05–24
Radius = 2844.79'
Tangent length = 76.73'
Arc length = 153.42'
Chord length = 153.40'

Proposed 20' Easement
for Force Main

Existing Railroad Spur

Existing Force Main
Sewer Line

N86°02'46"E
153.40' (M)

N84°30'04"E
452.80' (M)

City of Coffeyville
4.4 Acres
Book 230– Page 395

S84°30'04"W
413.06' (M)

Included angle = 03–04–56
Radius = 2824.79'
Tangent length = 76.00'
Arc length = 151.96'
Chord length = 151.95'

116,130 sq. ft.
2.666 acres

S01°19'51"E
224.35' (M)

US Hwy 169

N02°44'46"E
153.26' (M)

City of Coffeyville
Book 230, Page 395

N88°23'53"W
616.55' (M)

N88°23'53"W
71.69' (M)

Existing Waterway

Proposed 169 Highway
Right of Way

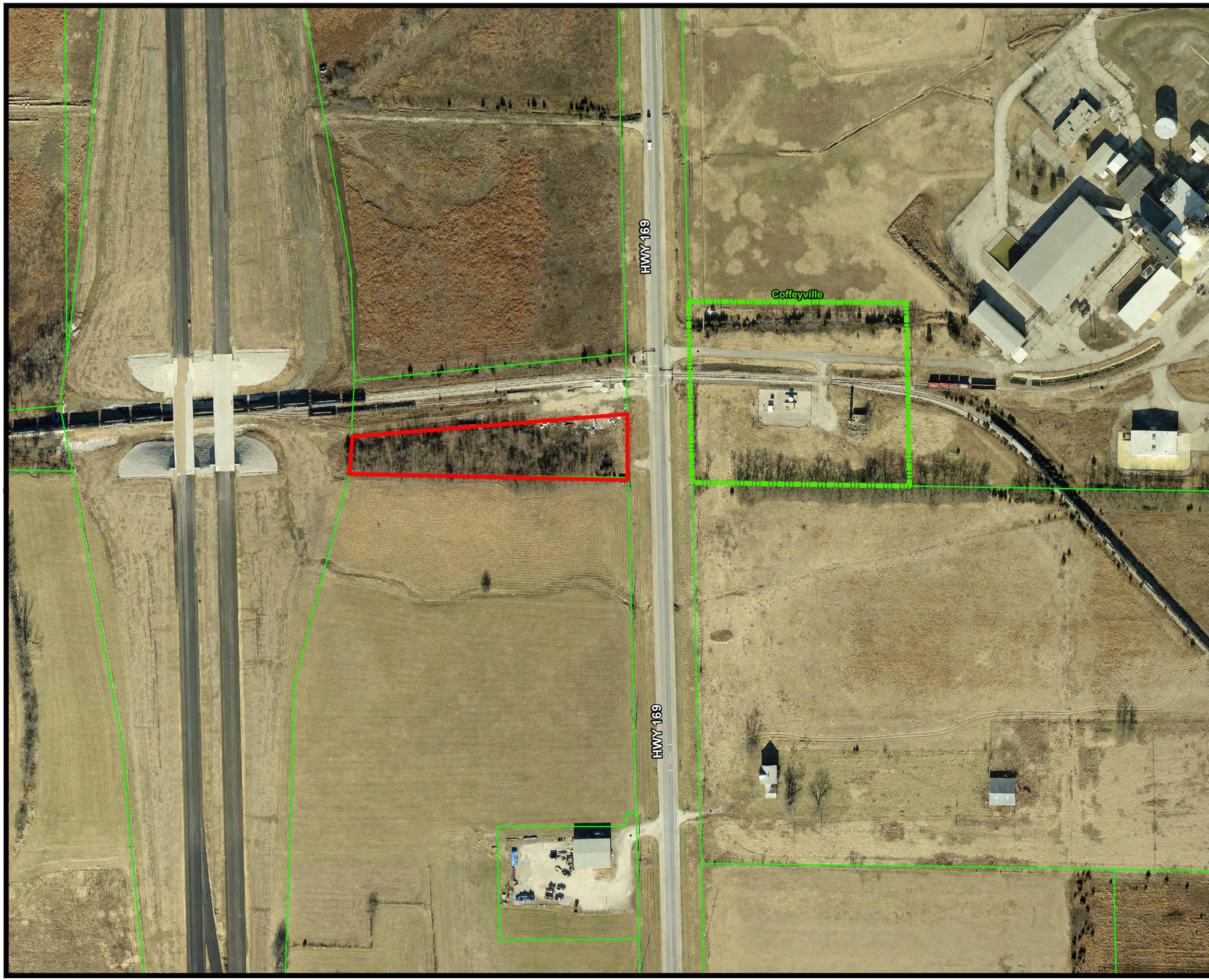
Bill & Saundra Adams
108 Acres
Book 311– Page 030

Lot 7
SEC 18

Schwans Sales Enterprises, Inc.
2 Acres
Book 384– Page 514

CITY OF Coffeyville Engineering Department

FIELD BY:	TITLE: *Proposed Land Option on a portion of Section 18, Township 34 South, Range 17 East, Montgomery County, Kansas*		
DRAWN BY: JSM			
CHECKED BY: CT & JM	SCALE: 1"= 200'	SHEET REFERENCE NUMBER:	CONTRACT NO.
	DATE: March 22, 2007		SHEET 1 of 1
APPROVED BY:	DWG. Scott\Boundary Surveys\Highway 166 Allied Proposed Property.dwg		

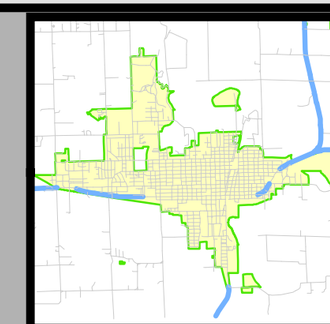


Coffeyville
KANSAS
Engineering Department
102 W 7th
COFFEYVILLE, KS 67337
VOICE: 620-252-6100
FAX: 620-252-6175
www.coffeyville.com

GIS System By: Midland GIS

1 in = 200 ft

Proposed Batch Plant location

Legend

Subject Property