

## RESOLUTION 14-2

*Whereas*, the City of Downs, Kansas, a municipal corporation, is the owner of the following described real estate, to-wit:

A tract of land in the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W) of the Sixth P.M., Osborne County, Kansas, more particularly described as follows: BEGINNING at the Southwest Corner of the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W); thence along the South Line of said East Half of the Southwest Quarter (E/2 of the SW/4) on a record bearing of S 89°26'15" E a distance of 650.00 feet; thence N 1°00'27" E parallel with the West Line of the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W) a distance of 564.00 feet; thence N 89°26'15" W parallel with the South Line of said East Half of the Southwest Quarter (E/2 of the SW/4) a distance of 650.00 feet to a point on the West Line of the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W); thence S 1°00'27" W along said West Line a distance of 564.00 feet to the Point of Beginning, containing 8.4 acres, more or less, inclusive of county road right-of-way.

SUBJECT TO a permanent easement for Ingress or Egress for access to the City Wastewater Lagoons over the following described property:

A tract of land for Ingress/Egress purposes being a strip of ground 20.0 feet in width and described as follows: A tract of land in the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W) of the Sixth P.M., Osborne County, Kansas, more particularly described as follows: Commencing at the Southwest Corner of the East Half of the Southwest Quarter (E/2 of the SW/4) of Section Thirty-four (34), Township Six South, Range Eleven West (T6S-R11W); thence along the South Line of said East Half of the Southwest Quarter (E/2 of the SW/4) on a record bearing of S 89°26'15" E a distance of 589.0 feet to the POINT OF BEGINNING; thence continuing along the previous course a distance of 20.01 feet; thence N 2°40' E a distance of 564.36 feet; thence N 89°26'15" W parallel with the South Line of said East Half of the Southwest Quarter (E/2 of the SW/4) a distance of 20.01 feet; thence S 2°40' W a distance of 564.36 feet to the Point of Beginning, containing 0.3 acres, more or less.

which real estate is no longer necessary to be retained and held in the exercise of the proprietary and governmental functions of said city, and

*Whereas*, the above described land was offered for sale at a public auction and Chris D. Clausen and Deanna L. Clausen were the highest bidders, and

*Whereas*, Chris D. Clausen and Deanna L. Clausen, have entered into a contract for sale of real estate with the City of Downs dated November 10, 2014, and hereby incorporated by reference, for the sum of Seven Thousand-eight hundred and no/100 Dollars (\$7,800.00), and

*Whereas*, the Governing Body of said City deems it advisable and for the best interest of said

City to accept the foregoing offer for said real estate, and

*Whereas*, at the public auction it was announced that this property was the former dump for the City, and

*Whereas*, at the public auction it was announced that the city reserved the right to access the property for a period ending December 20, 2015, in order to remove the rock pile thereon.

*Now Therefore, Be It Resolved by the Governing Body of the City of Downs, Osborne County, Kansas*, that the above described real estate be sold to Chris D. Clausen and Deanna L. Clausen, for the sum of Seven Thousand-eight hundred and no/100 Dollars (\$7,800.00), and that Jennifer Brush, as Mayor and Vickie Oviatt as City Clerk of Downs, be and they are hereby authorized and empowered to execute, acknowledge, attest and deliver a Warranty Deed conveying said real estate to Chris D. Clausen and Deanna L. Clausen, upon receiving payment therefore as herein provided.

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Jennifer Brush , Mayor

ATTEST:

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Vickie Oviatt, City Clerk

(Seal)

### **CERTIFICATE**

STATE OF KANSAS, OSBORNE COUNTY, SS:

I, the undersigned, being the duly appointed and qualified City Clerk of the City of Downs, Kansas, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and regularly adopted by the Governing Body of said City at regular meeting held on the 1<sup>st</sup> day of December, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City, this 1<sup>st</sup> day of December, 2014.

(Seal)

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Vickie Oviatt, City Clerk