

RESOLUTION NO. 07-11-19D

A RESOLUTION PURSUANT TO K.S.A. 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

WHEREAS, K.S.A. 26-201 authorizes a City to acquire by condemnation any interest in real property when it is deemed necessary, for use by the City, by the governing body of the City; and

WHEREAS, the City is constructing 207th Street Project and associated improvements (hereinafter "Project") within the City and Johnson County, Kansas and the proposed location of said Project is generally located along 207th Street (east of Waverly Road); and

WHEREAS, in order to complete the Project, the City needs to obtain rights-of-way, permanent easements and temporary construction easements, across property along 207th Street (east of Waverly Road) within the City and Johnson County, Kansas; and

WHEREAS, the City has attempted, and will continue to attempt, to negotiate with the private landowners for the rights-of-way and easements needed for the Project but to date such negotiations have been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Edgerton, Kansas:

SECTION 1: That pursuant to K.S.A. 26-201, the City declares that the easements are necessary for the Project.

SECTION 2: The locations of the permanent road right-of-way, temporary construction easements, and drainage easement needed are generally located along 207th Street (east of Waverly Road) within the City of Edgerton and Johnson County, Kansas, are more specifically described below.

Permanent Roadway Right-of-Way

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 70.25 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 25.00 feet, to a point on the south line right-of-way line of 207th Street, as it now exists, said point also being the POINT OF BEGINNING; thence along said South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 2614.38 feet, to a point on the East line of said Northwest quarter; thence along said East line, South 01°43'08" East a distance of 25.00

feet; thence departing said East line and parallel with the said North line and parallel to said South right-of-way line, South 88°29'08" West a distance of 2649.93 feet; thence North 53°18'11" East a distance of 43.39 feet to the POINT OF BEGINNING, containing 65804 square feet, or 1.511 acres, more or less.

Temporary Construction Easement

TRACT 1

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 400.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 300.00 feet; thence departing said proposed South right-of-way line and perpendicular to said line, South 01°30'52" East a distance of 15.00 feet; thence parallel to said proposed South right-of-way line, South 88°29'08" West a distance of 250.00 feet; thence perpendicular to said proposed South right-of-way line, South 01°30'52" East a distance of 30.00 feet; thence parallel to said proposed South right-of-way line, South 88°29'08" West a distance of 50.00 feet; thence perpendicular to said proposed South right-of-way line, North 01°30'52" West a distance of 45.00 feet to the POINT OF BEGINNING, containing 6000 square feet, or 0.138 acres, more or less.

AND

TRACT 2

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 1630.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line North 88°29'08" East, a distance of 149.86 feet; thence departing said proposed South right-of-way line, South 66°05'49" West a distance of 367.56 feet; thence North 28°29'43" West a distance of 33.67 feet; thence North 60°18'07" East a distance of 232.89 feet to the POINT OF BEGINNING; less that part taken as permanent drainage easement, containing 13210 square feet, or 0.303 acres, more or less.

Drainage Easement

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 1630.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 60.00 feet; thence departing said proposed South right-of-way line and perpendicular to said proposed South right-of-way line, South 01°30'52" East a distance of 20.00 feet; thence parallel with said proposed South right-of-way line, South 88°29'08" West a distance of 60.00 feet; thence perpendicular to said proposed South right-of-way line, North 01°30'52" West a distance of 20.00 feet to the POINT OF BEGINNING, containing 1200 square feet, or 0.028 acres, more or less.

SECTION 3: City Staff is authorized to have a survey conducted and a description of the land and easements to be condemned to be prepared by a competent engineer. Both the survey and the description of the properties to be condemned shall be filed with the City Clerk upon their completion.

SECTION 4: The City Clerk is hereby directed to publish this Resolution once in the City's official newspaper.

SECTION 5: This Resolution shall be effective upon its approval and adoption.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 11th DAY OF JULY, 2019.

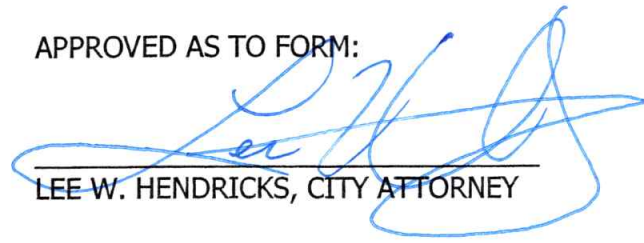

DONALD ROBERTS, MAYOR

ATTEST:


RACHEL A. JAMES, CITY CLERK



APPROVED AS TO FORM:



LEE W. HENDRICKS, CITY ATTORNEY