

RESOLUTION NO. 05-14-20B

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 wishes to construct a full access intersection at Homestead Lane and 200th Street and a sanitary sewer main extension from west of Homestead Lane (north of Interstate 35) to 200th Street on property at the northwest corner of Homestead Lane and Interstate 35, said location being within the city limits of the City of Edgerton, Kansas; and

WHEREAS, the City additionally has determined it necessary to acquire sanitary sewer easements and temporary construction easements on property at the northwest corner of Homestead Lane and Interstate 35 to ensure that city sanitary sewer lines to be constructed on the property are fully within sanitary sewer easement held by the City; and

WHEREAS, in order to complete the construction of the intersection and city sanitary sewer lines, the City needs to obtain permanent sanitary sewer and temporary construction easements generally located across property at the northwest corner of Homestead Lane and Interstate 35 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 easements needed for the Project but to date such negotiations have been unsuccessful with the owners; and

WHEREAS, the City wishes to proceed with these projects and to include those permanent sanitary sewer and temporary construction easements in the listed descriptions.

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: That the locations of the permanent sanitary sewer and temporary construction easements needed are generally located across property at the northwest corner of Homestead Lane and Interstate 35 within the City of Edgerton, Johnson County, Kansas, and are more specifically described below.

TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND IN NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9 S.02°03'46"E. (BEING AN ASSUMED BEARING) 889.10 FEET; THENCE S.87°56'14"W. 70.68 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE S.08°14'50"W. 250.00 FEET; THENCE N.81°45'10"W. 50.00 FEET; THENCE N.08°14'50"E. 250.00 FEET; THENCE S.81°45'10"E. 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12,500 SQUARE FEET.

PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND 40 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 333.58 FEET, TO

THE POINT OF TERMINUS ON THE EAST LINE OF THE VARIABLE WIDTH SANITARY SEWER EASEMENT RECORDED IN BOOK 201210 AT PAGE 000189, IN THE OFFICE OF THE REGISTER OF DEEDS, JOHNSON COUNTY, KANSAS, CONTAINING 25,664 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

TEMPORARY CONSTRUCTION EASEMENT

A TRACT OF LAND 100 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 378.45 FEET, TO THE POINT OF TERMINUS ON THE WEST LINE OF THE EAST THIRD OF THE NE1/4 OF SAID SECTION 9, CONTAINING 68,646 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

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 14TH DAY OF MAY, 2020.



DONALD ROBERTS, MAYOR

ATTEST:



CHRIS CLINTON, CITY CLERK



APPROVED AS TO FORM:

LEE W. HENDRICKS, CITY ATTORNEY