

## **RESOLUTION NO. B-6-17**

### **A RESOLUTION PURSUANT TO K.S.A. 26-201 REGARDING CONDEMNATION OF PROPERTY FOR THE CONSTRUCTION OF A PUBLIC STREET AND ASSOCIATED DRAINAGE IMPROVEMENTS IN THE CITY OF LANSING, KANSAS.**

**WHEREAS**, the City of Lansing, Kansas has undertaken the construction and improvement of Desoto Road, a public street, within the City, which also includes associated drainage improvements, all hereinafter referred to as the “Project”; and,

**WHEREAS**, whenever the term “permanent right of way easement” is used herein, it shall mean a grant of easement, in perpetuity, for the purpose of constructing, maintaining, repairing, inspecting, operating and using streets, sidewalks, utilities and drainage improvements, and said easement shall be for the benefit of the public and shall include the right of vehicular and pedestrian travel by the general public; and,

**WHEREAS**, whenever the term “temporary easement” is used herein, it shall mean a temporary grant of easement for a period commencing on January 1, 2018, or the date upon which the appraiser’s report is filed in any condemnation action, whichever date is later, and terminating on December 31, 2020, and shall be for the purpose of surveying, excavating, filling, grading, storage of materials and equipment, and all other purposes incidental to the construction of a street, sidewalks, utilities, or drainage improvements on the permanent public right-of-way adjacent thereto, and shall be conditioned upon: (i) the City constructing a driveway that connects the newly improved adjacent street to the remaining property; and, (ii) the City providing access from the public right of way to the remaining property during the construction and providing the temporary surfacing of such access; and (iii) upon the termination of the temporary easement, the City restoring the unimproved portion of the easement to a neat and sightly condition and reseeding the grass; and,

**WHEREAS**, whenever the term “drainage easement” is used herein, it shall mean a permanent grant of easement for the purpose of constructing, reconstructing, maintaining and repairing such structures and improvements that are determined by City to be necessary to accept the flow of surface water from adjacent property and also from public right of way, and shall also be for the purpose of the flowage of surface water across and upon said easement; and,

**WHEREAS**, in order to complete the Project, it is necessary for the City to acquire certain property interests from certain property owners, as set forth below, hereinafter collectively referred to as the “Property”, to-wit:

A.

**NAME OF PROPERTY OWNERS:** Kenneth D. Hundley and Teana E. Hundley, husband and wife.

**LEGAL DESCRIPTION OF PROPERTY:**

Tract I: A permanent right of way easement over: That part of the Southwest Quarter of Section 13, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line extended a distance of 20.01 feet to the Point of Beginning on the North right-of-way line of Kane Drive; thence continuing N 00°36'49" W along said East right-of-way line a distance of 10.01 feet; thence N 87°15'04" E a distance of 77.03 feet; thence S 00°36'49" E a distance of 10.01 feet to the North right-of-way line of said Kane Drive; thence S 87°15'04" W along said North right-of-way line a distance of 77.03 feet to the point of beginning. The above described contains 770 square feet, more or less.

ALSO

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line a distance of 228.59 feet to the Point of Beginning; thence N 11°55'25" W along said East right-of-way line a distance of 67.22 feet to the North line of a tract described in Book 984, Page 1128 recorded in the Office of the Register of Deeds in said County; thence N 87°15'15" E along said North line a distance of 13.19 feet; thence S 00°36'49" E a distance of 66.41 feet to the point of beginning. The above described contains 438 square feet, more or less.

Tract II: A drainage easement over: That part of the Southwest Quarter of Section 13, Township 9 South, Range 22 East of the Sixth Principal Meridian, in Leavenworth County, Kansas described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Southwest Quarter; thence N 87°15'04" E along the South line of the Northwest Quarter said Southwest Quarter a distance of 50.03 feet to the East right-of-way line extended of Desoto Road; thence N 00°36'49" W along said East right-of-way line extended a distance of 30.02 feet to the Point of Beginning; thence N 00°36'49" W along said East right-of-way line a distance of 198.57 feet; thence continuing N 00°36'49" W a distance of 66.41 feet to the North line of a tract described in Book 984, Page 1128 recorded in the Office of the Register of Deeds in said County; thence N 87°15'15" E along said North line a distance of 13.01 feet; Thence S 00°36'49" E a distance of 256.91 feet; thence S 80°55'48" E a distance of 39.37 feet; thence S 87°15'04" W a distance of 51.84 feet to the point of beginning. The above described contains 3601 square feet, more or less.

**WHEREAS**, the City has been unable to negotiate the purchase of the necessary interests in the Property, and it is therefore necessary to exercise the City's power of eminent domain to acquire said interests.

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Lansing, Kansas, that it is necessary to acquire interests in the Property for the purpose of completion of the Project, and it is necessary to acquire said interests by the exercise of eminent domain.

**BE IT FURTHER RESOLVED**, that Professional Engineering Consultants, P.A., professional engineers competent to conduct land surveys, acting as the City's agent, shall cause the Property to be surveyed, and shall file the survey and description with the City Clerk.

**BE IT FURTHER RESOLVED**, that this Resolution be published once in the official city newspaper.

**PASSED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS,  
ON THIS 5th DAY OF OCTOBER, 2017.**

ATTEST:

  
\_\_\_\_\_  
SARAH BODENSTEINER,  
City Clerk

  
\_\_\_\_\_  
MICHAEL W. SMITH,  
Mayor

