

## **RESOLUTION NO. B-7-17**

### **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**, 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:

**NAME OF PROPERTY OWNERS:** Donald R. Brown and Hedwig M. Brown, husband and wife; and/or Bank of America, NA.

#### **LEGAL DESCRIPTION OF PROPERTY:**

Tract I: A permanent right of way easement over: That part of Lot 5, Block 1, Adam's Acres Subdivision, City of Lansing, Leavenworth County, Kansas, described as follows: Beginning at a the Southwest corner of said Lot 5; thence N 00°54'27" W along the West line of said Lot 5 a distance of 140.00 feet to the Northwest corner of said Lot 5; thence N 87°04'05" E along the North line of said Lot 5 a distance of 1.62 feet; thence S 03°00'21" E a distance of 66.20 feet; thence S 01°19'57" E a distance of 52.15 feet; thence S 50°31'25" E a distance of

32.01 feet to the South line of said Lot 5; thence S 87°04'05" W along said South line a distance of 28.83 feet to the point of beginning. The above described contains 768 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 16 DAY OF NOVEMBER, 2017.**

ATTEST:  
  
SARAH BODENSTEINER,  
City Clerk

  
MICHAEL W. SMITH,  
Mayor

