

**RESOLUTION NO. 09-12-19B**

**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 pedestrian trail running parallel to U.S. Highway 56 on the south side of said highway from Edgerton Road to 1<sup>st</sup> Street, said location being within the city limits of the City of Edgerton, Kansas; and

WHEREAS, the City additionally has determined it necessary to acquire water line easements along the same line of properties to ensure that city water lines currently running on the properties are fully within water line easements held by the City; and

WHEREAS, in order to complete the pedestrian trail and protect the city water lines, the City needs to obtain permanent pedestrian, water line and storm-water easements generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1<sup>st</sup> Street 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 with some of the owners.

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 pedestrian, water line and storm-water easements needed are generally located across property bordering the south side of U.S. Highway 56 from Edgerton Road to 1<sup>st</sup> Street within the City of Edgerton, Johnson County, Kansas, and are more specifically described below.

Permanent Water Line and Pedestrian Easement

THE NORTH 12.5 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,650 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

THE NORTH 12 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,765 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°04'51"E. (BEING AN ASSUMED BEARING) 243.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8 S.01°45'17"E. 15.90 FEET; THENCE N.84°05'35"W. 36.01 FEET; THENCE S.88°04'51"W. 42.93 FEET; THENCE S.81°45'22"W. 40.24 FEET; THENCE S.88°04'51"W. 5.22 FEET; THENCE N.85°35'39"W. 40.24 FEET; THENCE S.88°04'51"W. 57.52 FEET; THENCE S.82°05'43"W. 10.05 FEET; THENCE S.88°04'51"W. 5.15 FEET; THENCE N.85°56'00"W. 6.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8 N.01°42'51"W. 11.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2,977 SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°10'58"E. (BEING AN ASSUMED BEARING) 219.63 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. 15.94 FEET; THENCE N.79°43'38"W. 14.02 FEET; THENCE S.88°10'58"W. 98.26 FEET; THENCE S.76°19'14"W. 35.69 FEET; THENCE S.87°58'43"W. 39.06 FEET; THENCE N.84°05'35"W. 19.89 FEET; THENCE S.01°45'17"E. 12.28 FEET; THENCE S.88°14'43"W. 14.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7 N.01°45'17"W. 30.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3,653 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14 S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET; THENCE N.46°30'24"W. 16.18 FEET; THENCE N.83°28'15"W. 4.62 FEET; THENCE S.88°09'32"W. 95.61 FEET; THENCE S.78°41'47"W. 24.33 FEET; THENCE S.88°09'32"W. 6.38 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14 N.01°50'59"W. 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE ALONG THE NORTH LINE OF SAID LOT 14 N.88°09'32"E. 141.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1,852 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1  
N.88°09'32"E. (BEING AN ASSUMED BEARING) 149.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1  
S.01°43'25"E. 16.01 FEET; THENCE  
S.88°11'06"W. 12.01 FEET; THENCE  
N.84°11'46"W. 30.13 FEET; THENCE  
S.88°09'32"W. 87.14 FEET; THENCE  
S.79°37'41"W. 11.81 FEET; THENCE  
S.38°26'56"W. 13.86 FEET TO THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1  
N.01°47'02"W. 24.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1,977 SQUARE FEET.  
SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN TRACT A AS SHOWN ON A LOT SPLIT CERTIFICATE OF SURVEY RECORDED ON PAGE 3124 IN BOOK 201712 AT THE JOHNSON COUNTY REGISTER OF DEEDS IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT A AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE WEST LINE OF SAID TRACT A  
S.01°49'35"E. (BEING AN ASSUMED BEARING) 15.00 FEET; THENCE  
N.88°11'06"E. 27.34 FEET TO THE POINT OF BEGINNING; THENCE  
N.88°11'06"E. 15.00 FEET; THENCE  
S.01°48'54"E. 15.53 FEET; THENCE  
S.88°11'06"W. 15.00 FEET; THENCE  
N.01°48'54"W. 15.53 FEET TO THE POINT OF BEGINNING, CONTAINING 233 SQUARE FEET.


**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 property to be condemned shall be filed with the City Clerk upon their completion.

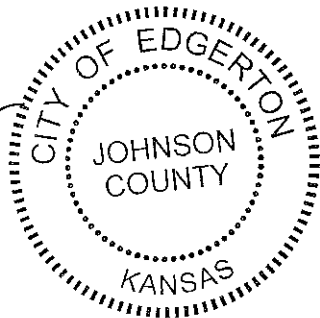
**SECTION 4:** The City Clerk is hereby directed to publish this Resolution once in the City's official newspaper.

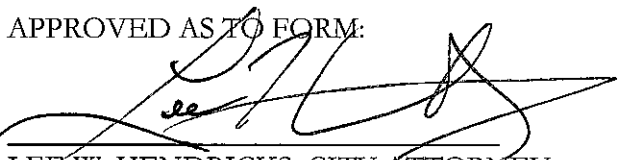
**SECTION 5:** This Resolution shall be effective upon its approval and adoption.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS  
ON THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2019.

  
DONALD ROBERTS, MAYOR

ATTEST:  
  
RACHEL A. JAMES, CITY CLERK



APPROVED AS TO FORM:  
  
LEE W. HENDRICKS, CITY ATTORNEY