

RESOLUTION NO.1990

A RESOLUTION DECLARING IT NECESSARY TO ACQUIRE BY CONDEMNATION EASEMENT INTERESTS IN PRIVATE PROPERTIES FOR THE USE OF THE CITY OF GARDNER, KANSAS, FOR CERTAIN IMPROVEMENTS TO PUBLIC INFRASTRUCTURE.

WHEREAS, the City of Gardner, Kansas owns and operates a municipal electric utility for the public benefit of supplying its residents and other customers electric power and light;

WHEREAS, it is necessary to acquire easements on, over, through and under private properties for the construction of certain public improvements in support of the City's electric utility, which properties are situated both within and outside of the corporate city limits;

WHEREAS, the City is authorized to exercise eminent domain for the purpose of acquiring such easements pursuant to Article 12, Section 5 of the Kansas Constitution, K.S.A. 26-201, et seq., and K.S.A. 12-845 for the purposes herein stated;

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

SECTION ONE: It is hereby declared necessary to acquire by condemnation private property or interests therein for the use of the City of Gardner, Kansas, for the following described improvements:

Acquire private property for public purposes described as follows:

Temporary Construction Easement

A temporary construction easement over, under and through the real estate described and depicted on Exhibit 1 attached hereto for the purpose to enter upon, excavate, fill, grade, locate, construct, and install or authorize such activities for the location, and construction of utility lines, conduits, poles, wires, ducts, cables, facilities and appurtenances, etc., together with the right of access to said easement and over said easement for said purposes.

Permanent Easement

A perpetual easement over, under and through the real estate described and depicted on Exhibit 2 attached hereto for the purpose to enter upon, excavate, fill, grade, locate, construct, install and maintain, or authorize such activities for the location, construction or maintenance, and use of utility lines, conduits, poles, wires, ducts, cables, facilities and appurtenances, etc., including the right to clean, repair, replace, and care for said facilities, together with the right of access to said easement and over said easement for said purposes.

SECTION TWO: It is hereby authorized and directed that a survey and description of the lands or interests to be acquired by condemnation be made by the City Engineer and filed with the City Clerk of the City of Gardner, Kansas, which survey must be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey.

SECTION THREE: After filing of said survey, an ordinance shall be prepared and submitted to the Governing Body for consideration that provides for the acquisition of private property by appropriate proceedings in eminent domain.

SECTION FOUR: This Resolution shall be published once in the official City newspaper.

SECTION FIVE: This Resolution shall take effect and be in force from and after its publication in the official City newspaper.

ADOPTED by the City Council this 2nd day of July, 2018.

SIGNED by the Mayor this 2nd day of July, 2018.

CITY OF GARDNER, KANSAS

(SEAL)

_____/s/_____
Steve Shute, Mayor

Attest:

_____/s/_____
Amy Nasta, City Clerk

Approved as to form:

_____/s/_____
Ryan Denk, City Attorney