

RESOLUTION NO. 72-2019

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE INTERESTS IN PRIVATE PROPERTY FOR THE USE OF THE CITY OF WESTWOOD, KANSAS, FOR THE REPLACEMENT OF STORMWATER INFRASTRUCTURE THAT EXTENDS FROM THE SOUTH SIDE OF 50TH STREET TO 51ST STREET, WEST OF BELINDER AVE, AND STORMWATER INFRASTRUCTURE THAT EXTENDS FROM THE EAST SIDE OF BELINDER COURT, NORTH OF 48TH TERRACE, IN THE CITY OF WESTWOOD, JOHNSON COUNTY, KANSAS.

WHEREAS, the City of Westwood, Kansas, has heretofore authorized and directed certain stormwater and public infrastructure improvements in the City;

WHEREAS, associated with the construction, maintenance and repair of such stormwater and public infrastructure improvements it is necessary that the City construct and replace approximately 623 linear feet of stormwater pipes and infrastructure that extends from 50th Street to 51st Street, West of Belinder Avenue, also known as Project Segment 3, and 95 linear feet of pipes and infrastructure that extends from the East side of Belinder Court, North of 48th Terrace, also known as Project Segment 9 including restoration as more specifically depicted on Exhibit 1 attached hereto (“Improvements”);

WHEREAS, the City is authorized to exercise eminent domain for the purpose of acquiring easements for the construction and maintenance of such Improvements pursuant to Article 12, Section 5 of the Kansas Constitution, K.S.A. 26-201, et seq. and K.S.A. 12-631v;

WHEREAS, it is necessary to appropriate easements over and across private property for the construction of the Improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

Section 1. It is hereby declared necessary to acquire by condemnation interests in private property for the use of the City of Westwood, Kansas, for the construction and maintenance of the Improvements as follows:

Temporary Construction Easement

A temporary construction easement for the construction of the Improvements 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 sewer lines or mains and all related fixtures and equipment necessary to operate and maintain such system, including without limitation by enumeration all couplings, connectors, reinforcements, supports, protective devices, fittings, valve boxes, air release manholes, vent piping, drainage outlet structures, stream crossings, erosion protective devices and materials, manhole entrances, pipeline marker posts and other appurtenant equipment 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 1 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 sewer lines or mains and all related fixtures and equipment necessary to operate and maintain such system, including without limitation by enumeration all couplings, connectors, reinforcements, supports, protective devices, fittings, valve boxes, air release manholes, vent piping, drainage outlet structures, stream crossings, erosion protective devices and materials, manhole entrances, pipeline marker posts and other appurtenant equipment together with the right of access to said easement and over said easement for said purposes.

Section 2. It is hereby authorized and directed that a survey and description of the lands or interests therein to be condemned be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and be filed with the City Clerk of the City of Westwood, Kansas.

Section 3. This Resolution shall be published once in the official City newspaper.

Section 4. 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 14th day of March, 2019.

APPROVED AND SIGNED by the Mayor this 14th day of March, 2019.



ATTEST:

A handwritten signature in dark ink, appearing to read 'F-L-S', written over a horizontal line.

Frederick L. Sherman, City Clerk

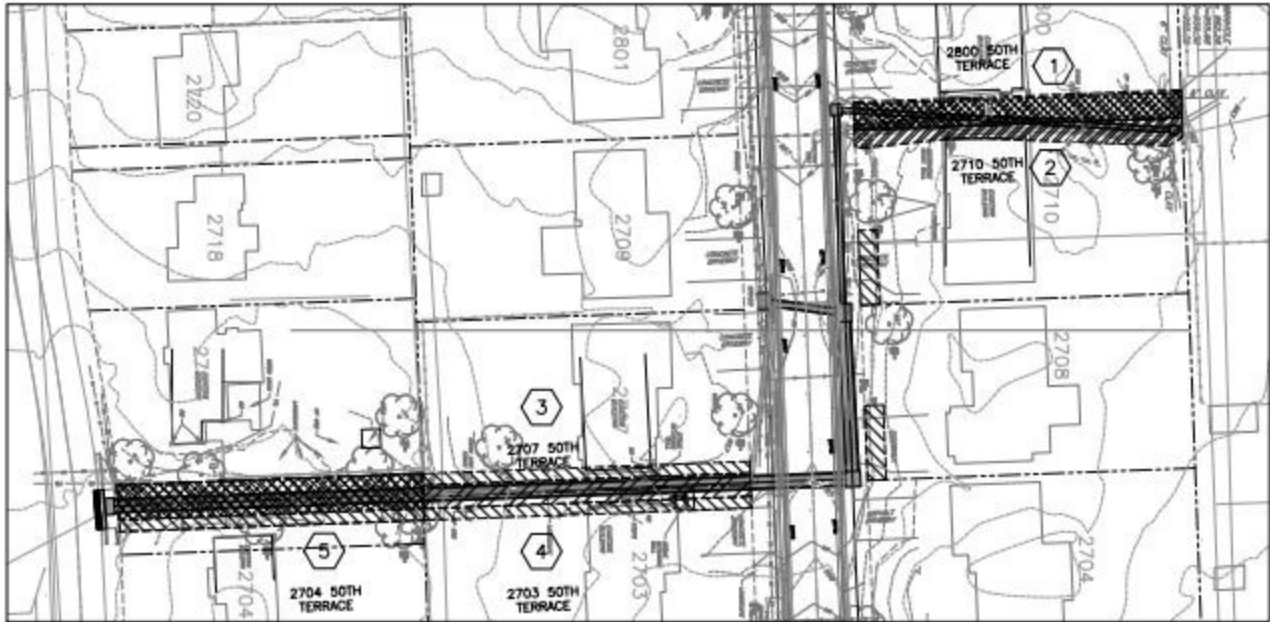
A handwritten signature in dark ink, appearing to read 'John M. Ye.', written over a horizontal line.

John M. Ye, Mayor

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read 'Ryan B. Denk', written over a horizontal line.




Ryan B. Denk, City Attorney

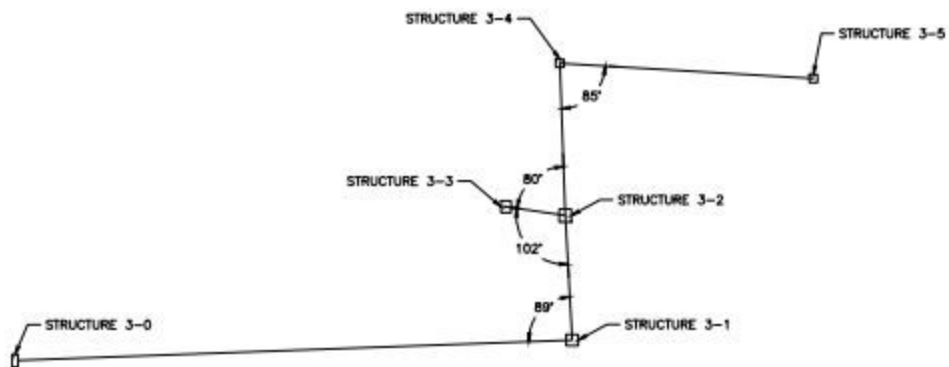


PERMANENT AND TEMPORARY EASEMENT DETAIL:

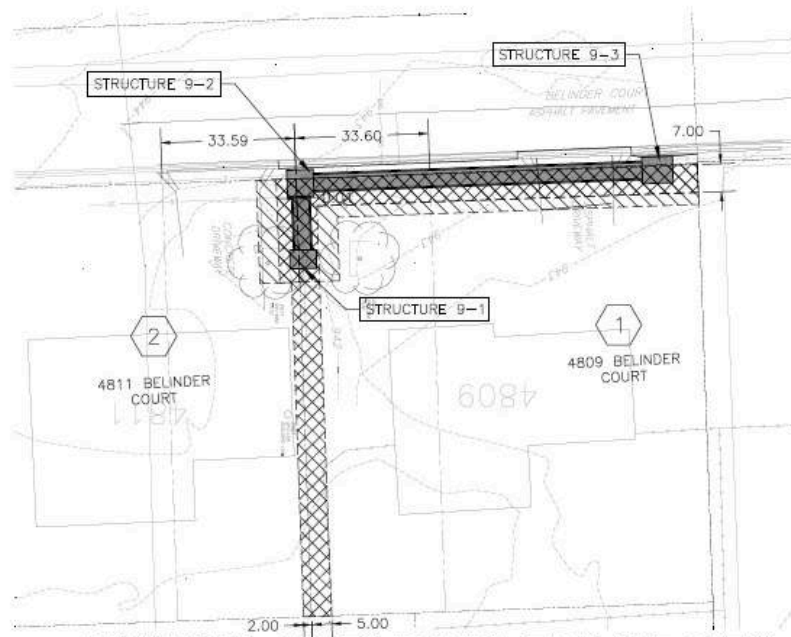
- 1 CONNELLY REVOCABLE TRUST
- 2 ANN MARIE SANDERS TRUST
- 3 SCOTT H. STRICKLAND AND PATRICIA GARRINGER-STRICKLAND

- 4 GEORGE F. VERSCHULDEN AND JOSELYN R. VERSCHULDEN
- 5 ANDREA S. ARNETT

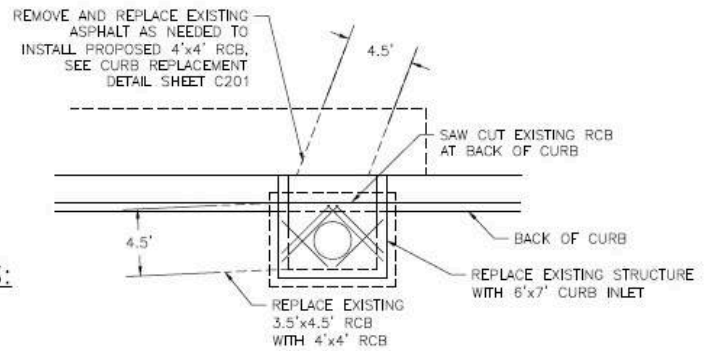
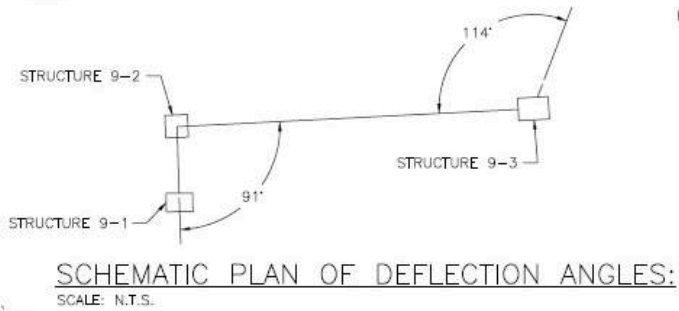
-  EXISTING PERMANENT EASEMENT
-  PROPOSED PERMANENT EASEMENT
-  PROPOSED TEMPORARY EASEMENT



SCHEMATIC PLAN OF DEFLECTION ANGLES:
SCALE: N.T.S.



- 1 RONALD AIKIN
- 2 SUSAN G. STANLEY AND MARK D. HAMILTON
- PROPOSED PERMANENT EASEMENT
- PROPOSED TEMPORARY EASEMENT



STORM STRUCTURE 9.3

NOT TO SCALE