

**RESOLUTION NO. 7073**

**A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, DECLARING THE NECESSITY OF THE CITY OF LAWRENCE, KANSAS, A MUNICIPAL CORPORATION, TO APPROPRIATE THROUGH THE EXERCISE OF EMINENT DOMAIN CERTAIN INTERESTS IN REAL PROPERTY FOR THE USE OF SAID CITY FOR THE LOCATION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF STREETS, CURB AND GUTTERING, SIDEWALKS, STORMWATER AND FIBER OPTIC FACILITIES, WATERLINE AND GENERAL UTILITIES, LANDSCAPING AND DRIVEWAY IMPROVEMENTS, TOGETHER WITH FACILITIES APPURTENANT THERETO, AND GRANTING AUTHORIZATION TO OBTAIN A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE CONDEMNED, ALL IN ACCORDANCE WITH K.S.A. 2013 SUPP. 26-201, K.S.A. 12-622, AND K.S.A. 12-623.**

**WHEREAS**, the City of Lawrence, Kansas is constructing a new wastewater treatment plant located generally near the intersection of East 1600 Road (O'Connell Road) and North 1175 Road (East 41st Street) and appurtenant street and road and utility improvements thereto, in accordance with development plans filed by the City of Lawrence, Kansas, with the Lawrence-Douglas County Metropolitan Planning Office;

**WHEREAS**, the Governing Body of the City of Lawrence, Kansas finds that it is necessary and in the public interest to acquire, through the exercise of eminent domain, temporary and permanent easements in, upon, over, under, and across portions of real estate located on and extending northward approximately one thousand (1,000 feet) from the intersection of East 1600 Road (O'Connell Road) and North 1100 Road, Douglas County, Kansas;

**WHEREAS**, the City's acquisition of the interests in said real estate shall be for the purpose of locating, constructing, operating, and maintaining streets, curb and guttering, sidewalks, stormwater and fiber optic facilities, waterline and general utilities, landscaping and driveway improvements, together with facilities appurtenant thereto, all in accordance with K.S.A. 2013 Supp. 26-201, K.S.A. 12-622, and K.S.A. 12-623; and

**WHEREAS**, the Governing Body also authorizes the making of a survey and description of the land or interests to be condemned, by a licensed land surveyor or professional engineer, who shall be competent to conduct a land survey, and directs that said survey and description of the land or interests to be condemned be filed with the City Clerk of the City of Lawrence, Kansas.

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

**SECTION 1.** The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

**SECTION 2.** It is necessary and in the public interest to appropriate, through the exercise of eminent domain, certain private property interests in real property generally located at the intersection of East 1600 Road (O'Connell Road) and North 1100 Road, Douglas County, Kansas, and extending northward approximately one thousand (1,000) feet from said intersection for the use of the City for the purpose of locating, constructing, operating, and

maintaining streets, curb and guttering, sidewalks, stormwater and fiber optic facilities, waterline and general utilities, landscaping and driveway improvements, together with facilities appurtenant thereto.

**SECTION 3.** A licensed land surveyor or a professional engineer, who is competent to conduct a land survey, shall be employed to provide a survey and description of the land or interests to be condemned. When completed, said survey and description of the land or interests to be condemned shall be filed with the City Clerk of the City of Lawrence, Kansas.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of May, 2014.

**APPROVED:**

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Mike Amyx  
Mayor

**ATTEST:**

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Diane Trybom  
Acting City Clerk

**APPROVED AS TO FORM:**

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Toni R. Wheeler  
City Attorney

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**NOTICE TO PUBLISHER**

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.