

RESOLUTION NO. 2007- 29

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, KANSAS ORDERING THE CONDEMNATION AND APPROPRIATION OF CERTAIN REAL ESTATE IN JEFFERSON COUNTY, KANSAS FOR USE IN REMOVING A LOW WATER CROSSING, BUILDING A BRIDGE ACROSS MUDDY CREEK AT 54TH STREET AND OTHERWISE IMPROVING 54TH STREET, A JEFFERSON COUNTY, KANSAS ROAD.

WHEREAS, the Board of County Commissioners of Jefferson County, Kansas ("The Board"), has heretofore found it necessary to appropriate for public use and purposes certain private property in Jefferson County, Kansas necessary for use in removing a low water crossing, building a bridge across Muddy Creek at 54th Street and otherwise improving 54th Street, a Jefferson County, Kansas road, known as Project No. KDOT #44 C-4105-01 (hereinafter the "Project"); and

WHEREAS, The Board has heretofore authorized and ordered a survey to be made of such land by a competent surveyor and said survey has been completed; and

WHEREAS, the Jefferson County Road and Bridge Department has been unable to purchase certain right-of-way necessary for the Project and the Board has determined it is necessary and in the public best interest and appropriate to use its powers of eminent domain for purposes of acquiring such property; and

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Jefferson County, Kansas, as follows:

Section 1. The Board hereby affirms, finds and declares the necessity of appropriating interests in real estate for public use and purposes certain private property in Jefferson County, Kansas necessary for use in removing a low water crossing, building a bridge across Muddy Creek at 54th Street and otherwise improving 54th Street, a Jefferson County, Kansas road

Section 2: The lands and interests required to be taken for such public purpose, for which Jefferson County Road & Bridge Department has been unable to purchase through agreement, are as follows:

A PERMANENT AND PERPETUAL EASEMENT OF RIGHT-OF-WAY in, over, under, upon and across the following tract of real estate situated in Jefferson County, Kansas:

[SEE ATTACHED SHEET]

Section 3: The interest in said real estate described in Section 2 is hereby ordered condemned for the purposes and use set forth in Section 1.

Section 4: Janice L. Hayes, County Co-Counselor for Jefferson County, Kansas, hereby authorized to file a verified petition in the District Court of Jefferson County, Kansas for condemnation and appropriation of real estate and interests described in Section 2 pursuant to the Eminent Domain Procedure Act, Article 5 of Chapter 26 of Kansas Statutes Annotated, as amended, and to do all things necessary for the condemnation and acquisition of said real estate, and interest therein.


Section 5: This Resolution shall take effect and be in full force from and after its adoption by the Board of Jefferson County Commissioners.

IN WITNESS WHEREOF, this Resolution is adopted this 4th day of September, 2007.

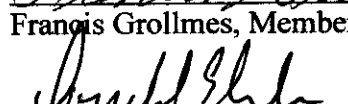
BOARD OF COUNTY COMMISSIONERS
OF JEFFERSON COUNTY, KANSAS



David Christy, Chairman



Francis Grollmes, Member



Donald Edmonds, Member

ATTEST: Linda M. Buttron
Linda M. Buttron, County Clerk



EXHIBIT "A"

A tract of land lying West of Muddy Creek in the Northwest Quarter (NW/4) of Section Thirty-six (36), Township Ten South (T10S), Range Sixteen East (R16E) of the 6th P.M., in Jefferson County, Kansas, described as follows:

Commencing at the Northwest corner (NWCr) of the Northwest Quarter (NW/4) of said Section Thirty-six (36);
thence North 90 degrees 00 minutes 00 seconds East, on an assumed bearing, along the North line of the Northwest Quarter (NW/4) of Section 36, a distance of 1,150.00 feet to the POINT OF BEGINNING;
thence North 90 degrees 00 minutes 00 seconds East along said North line, 250.00 feet;
thence South 00 degrees 00 minutes 00 seconds East, 20.00 feet;
thence South 08 degrees 23 minutes 48 seconds East along the centerline of Muddy Creek, 20.22 feet;
thence North 90 degrees 00 minutes 00 seconds West, 177.95 feet;
thence North 75 degrees 04 minutes 07 seconds West, 77.62 feet;
thence North 00 degrees 00 minutes 00 seconds West, 20.00 feet to the POINT OF BEGINNING;
containing 0.098 acre of land, more or less, excluding the existing Road Right-of-Way;
according to Right of Way Description, Jefferson County, Kansas, KDOT Project No. 44 C-4105-01, CF & S No. 04-535, dated April 2005.