

RESOLUTION NO. 13-51

A RESOLUTION OF THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS
ORDERING THE CONDEMNATION AND APPROPRIATION OF CERTAIN INTERESTS
IN REAL ESTATE IN FRANKLIN COUNTY, KANSAS FOR USE IN THE REPLACEMENT
OF THE WEST WILSON BRIDGE

WHEREAS, the Board of County Commissioners of Franklin County, Kansas (hereinafter the "Board") has heretofore found it necessary to appropriate for public use and purposes certain private property in Franklin County, Kansas necessary for the replacement of the West Wilson Bridge (hereinafter the "Project").

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.

WHEREAS, the Public Works Department has been unable to purchase certain right-of-way necessary for the Project and the Board has determined it necessary and in the public interest and appropriate to use its powers of eminent domain for purposes of acquiring such property interests.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Franklin County, Kansas, as follows:

Section 1. The Board hereby affirms finds and declares the necessity of appropriating interests in real estate for public use for the replacement of the West Wilson Bridge.

Section 2. The lands and interests required to be taken for such public purpose, for which the Public Works Department has been unable to purchase through agreement, are described as follows:

A. RIGHT-OF-WAY in, over, under, upon and across the following tracts of real estate situated in Franklin County, Kansas:

Tract 1:

A permanent and perpetual easement of right-of-way in, over, under, upon and across a tract of land in the East Half of the Northwest Quarter of Section 26, Township 16 South, Range 19 East, of the 6th p.m., Franklin County, Kansas, lying North of the railroad and described as follows:
Commencing at the Northwest Corner of the East Half of the Northwest Quarter of said Section 26, thence South 01 degrees 31 minutes 56 seconds West, on an assumed bearing, along the West line of the East Half of the Northwest Quarter of said Section 26, a distance of 1,853.00 feet; to the point of beginning; thence South 85 degrees 56 minutes 04 seconds East, 42.13 feet; thence South 08 degrees 35 minutes 00 seconds East, 113.65 feet; thence South 34 degrees 35 minutes 18 seconds East, 155.24 feet; thence South 39 degrees 39 minutes 26 seconds East, 108.16 feet to the North railroad right of way line; thence South 80 degrees 20 minutes 53 seconds West, along said North railroad right of way, 26.41 feet; thence North 43 degrees 56 minutes 08 seconds West, 279.00 feet to the West line of the East Half of the Northwest Quarter of said Section 26; thence North 01 degrees 31 minutes 56 seconds East, along said West line, 130.00 feet to the point of beginning. Contains 0.182 acre of land, more or less, excluding the existing road right of way.

A temporary construction easement, in, over, under, upon and across the following described tracts of real estate situated in Franklin County, Kansas, to-wit:

A tract of land in the East Half of the Northwest Quarter of Section 26, Township 16 South, Range 19 East, of the 6th p.m., Franklin County, Kansas, lying North of the railroad and described as follows:

Commencing at the Northwest Corner of the East Half of the Northwest Quarter of said Section 26; thence South 01 degrees 31 minutes 56 seconds West, on an assumed bearing, along the West line of the East Half of the Northwest Quarter of said Section 26, a distance of 1,853.00 feet; thence South 85 degrees 56 minutes 04 seconds East, 42.13 feet to the point of beginning; thence South 85 degrees 56 minutes 04 seconds East, 34.09 feet; thence South 02 degrees 03 minutes 37 seconds West, 22.76 feet; thence North 87 degrees 56 minutes 23 seconds West, 29.57 feet; thence North 08 degrees 35 minutes 00 seconds West, 24.37 feet to the point of beginning. Contains 0.017 acre of land, more or less.

And

Tract 2:

A permanent and perpetual easement of right-of-way in, over, under, upon and across a tract of land in Lots 22, 23 and 24 of Kerr's Subdivision in Section 26, Township 16 South, Range 19 East, of the 6th p.m., Franklin County, Kansas, described as follows:

Beginning at the Northwest Corner of said Lot 22, thence South 89 degrees 09 minutes 50 seconds East, on an assumed bearing, along the North line of said Lot 22, a distance of 34.42 feet; thence South 00 degrees 50 minutes 10 seconds West, 32.44 feet; thence North 87 degrees 58 minutes 52 seconds West, 148.70 feet; thence South 75 degrees 59 minutes 59 seconds West, 75.74 feet; thence North 84 degrees 05 minutes 48 seconds West, 124.90 feet; thence South 81 degrees 17 minutes 55 seconds West, 148.38 feet, thence North 72 degrees 52 minutes 18 seconds West, 134.62 feet, thence North 00 degrees 50 minutes 10 seconds East, 24.55 feet to the North line of Lot 24; thence South 89 degrees 09 minutes 50 seconds East, along the North line of Lots 24 and 23, 587.42 feet to the point of beginning.

Contains 0.130 acre of land, more or less, excluding the existing road right of way.

And

Tract 3:

A permanent and perpetual easement of right-of-way in, over, under and across a tract of land in the West Half of the Northwest Quarter of Section 26, Township 16 South, Range 19 East, of the 6th p.m., Franklin County, Kansas, lying North of the railroad and described as follows:

Commencing at the Northeast Corner of the West Half of the Northwest Quarter of said Section 26; thence South 01 degrees 31 minutes 56 seconds West, on an assumed bearing, along the East line of the West Half of the Northwest Quarter of said Section 26, a distance of 1,710.34 feet to the point of beginning; thence South 01 degrees 31 minutes 56 seconds West, along said East line, 507.65 feet to the North railroad right of way line, thence South 80 degrees 20 minutes 53 seconds West, along said North railroad right of way line, 101.14 feet; thence North 55 degrees 09 minutes 09 seconds West, 139.22 feet; thence South 73 degrees 34 minutes 25 seconds West, 41.79 feet; thence South 68 degrees 04 minutes 26 seconds West, 330.47 feet; thence North 21 degrees 55 minutes 34 seconds West, 55.00 feet; thence South 68 degrees 04 minutes 26 seconds West, 111.20 feet; thence North 21 degrees 55 minutes 34 seconds West, 29.13 feet; thence North 64 degrees 52 minutes 02 seconds East, 194.38 feet; thence North 60 degrees 01 minutes 40 seconds East, 250.05 feet; thence on a curve to the right having a radius of 348.00 feet, an arc length of 130.54 feet and a chord bearing North 78 degrees 49 minutes 14 seconds East, 129.78 feet; thence South 70 degrees 09 minute 41 seconds East, 88.68 feet; thence North 28 degrees 56 minutes 19 seconds East, 167.19 feet; thence North 07 degrees 10 minutes 49 seconds East, 196.26 feet to the point of beginning. Contains 1.228 acres of land, more or less, excluding the existing road right of way.

A temporary construction easement in, over, under and across a tract of land in the West half of the Northwest Quarter of Section 26, Township 16 South, Range 19 East, of the 6th p.m., Franklin County, Kansas, lying North of the railroad and described as follows:

Commencing at the Northeast Corner of the West Half of the Northwest Quarter of said Section 26; thence South 01 degrees 31 minutes 56 seconds West, on an assumed bearing, along the East line of the West Half of the Northwest Quarter of said Section 26, a distance of 2,217.99 feet to the North railroad right of way line; thence South 80 degrees 20 minutes 53 seconds West, along said North railroad right of way line, 101.14 feet to the point of beginning; thence South 80 degrees 20 minutes 53 seconds West, along said North railroad right of way line, 374.02 feet; thence North 21 degrees 55 minutes 34 seconds West, 40.95 feet; thence North 68 degrees 04 minutes 26 seconds East, 247.59 feet; thence North 73 degrees 34 minutes 25 seconds East, 41.79 feet; thence South 55 degrees 09 minutes 09 seconds East, 139.22 feet to the point of beginning.

Contains 0.444 acre of land, more or less, excluding the existing road right of way.

All for the purposes and use set forth in Section 1.

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

Section 4. County Counselor for Franklin County, Kansas is authorized to file a verified petition in the District Court of Franklin 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 Franklin County Commissioners.

IN WITNESS WHEREOF, this Resolution is adopted this 9th day of October, 2013.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, KANSAS

Steven W. Harris, Chair

ATTEST:

Janet Paddock, County Clerk