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# AGENDA ITEM

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TO: Tim Vandall, City Administrator  
FROM: Anthony J. Zell, Jr., Wastewater Utility Director   
DATE: May 12, 2022  
SUBJECT: Condemnation Resolution No. B-5-2022 (enabling action) for City Project 2021-03 (Town Centre Sewer Extension)

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The accompanying resolution is the first enabling steps to pursue condemnation, if necessary, of interests in property (permanent and temporary easements) necessary for the construction of the above referenced project. Enactment of the resolution clears the way to later enact a condemnation ordinance listing any specific easements that cannot reasonably be obtained through negotiation, if needed.

It is prudent to enact the enabling resolution at this time so that the governing body does not have to wait an extra meeting cycle to pass a condemnation ordinance, if it is needed. Delays due to the length of time required for condemnation have the potential to delay the completion of the project.

Every reasonable effort will be made to obtain all easements through negotiation with City staff, regardless of whether this resolution is enacted.

Policy Consideration: N/A

Financial Consideration: N/A

Recommended Action: A motion to enact Resolution No. B-5-2022, a resolution of condemnation for permanent and temporary construction easements for City Project 2021-03, (Town Centre Sewer Extension).

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## AGENDA ITEM #

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**RESOLUTION NO. B-5-2022**

**RESOLUTION FINDING AND DECLARING THE NECESSITY OF APPROPRIATION OF PRIVATE PROPERTY BY ACQUIRING PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE USE OF THE CITY FOR THE CONSTRUCTION OF A PUBLIC SANITARY SEWER IMPROVEMENT, PROJECT NUMBER (2021-03).**

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LANSING, KANSAS, AS FOLLOWS:**

1. Pursuant to K.S.A. 26-201, the City Council deems it necessary and hereby finds and declares the necessity to appropriate private property by acquiring by condemnation for permanent easements and temporary construction easements for the use of the City for construction of City Project 2021-03, a public sanitary sewer improvement located in the city limits of the City of Lansing.
2. A survey has been conducted by Darren Sean Cahalan, Kansas Registered Land Surveyor #1341, with a description of the land or interest to be condemned and has been filed with the City Clerk.

This resolution shall be published once in the official city newspaper, *The Leavenworth Times*.

ADOPTED AND APPROVED by the governing body of the City of Lansing, Kansas, on this 19<sup>th</sup> day of May 2022.

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Anthony McNeill, Mayor

(SEAL)

ATTEST:

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Tish Sims, City Clerk

Published: *The Leavenworth Times*

Date Published: \_\_\_\_\_