

RESOLUTION NO. 11-2019

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE AND PERMANENT PUBLIC AND PRIVATE USE OF PROJECT NO. 11 C-4907-01, DESIGNED BY THE KANSAS DEPARTMENT OF TRANSPORTATION AND BURLINGTON NORTHERN SANTA FE RAILROAD AT OR NEAR THE EAST-WEST INTERSECTION OF SE 20TH STREET AND SE BRUSH CREEK ROAD.

WHEREAS, the Governing Body of Cherokee County Kansas, has authorized professional surveys and engineering for Project No. 11 C-4907-01, designed by the Kansas Department of Transportation and the Burlington Northern Santa Fe Railroad, at or near the east-west intersection of SE 20th Street and SE Brush Creek Road, necessary to improve the County road and safety at the railroad crossing.

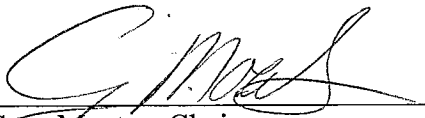
WHEREAS, the owners of the two affected real estate parcels, 0.81 Acres owned by Scott Family Trust, and 1.02 Acres owned by Pleasant Valley Ranch, L.L.C., have refused to convey title to the County in exchange for reasonable compensation offered by the County.

WHEREAS, permanent easements and right-of-ways are necessary for the purpose of construction, maintenance and use of the public roads and railroad crossing.


NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cherokee County, Kansas in regular meeting duly assembled this 19th day of August, 2019, that a land survey and description of the land subject to condemnation, shall be prepared and filed with the County Clerk.

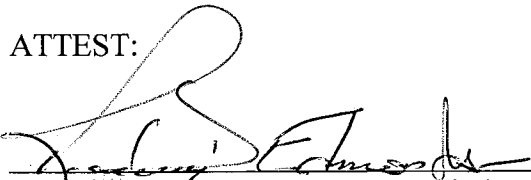
BE IT FURTHER RESOLVED by the Board of County Commissioners of Cherokee County, Kansas, that condemnation proceedings shall begin as soon as practicable to exercise the County's power of eminent domain pursuant to K.S.A. 26-201, and K.S.A. 25-501, *et. seq.*, as amended.

PASSED AND ADOPTED this 19th day of August, 2019, by the Board of County Commissioners of Cherokee County, Kansas.


Cory Moates, Chairman
Cherokee County Commissioner


Myra Carlisle Frazier
Cherokee County Commissioner


Neal Anderson
Cherokee County Commissioner

ATTEST:

Rodney D. Edmondson, County Clerk

