

RESOLUTION NO 22-21

RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS COMMENCING THE PROCESS OF CONDEMNATION OF CERTAIN PROPERTIES LOCATED WITHIN THE LEGAL BOUNDARIES OF THE CITY OF MCPHERSON,

WHEREAS, the alley for the east side of the 300 block of North Main Street, McPherson, Kansas is blocked to the north by railroad tracks and does not have any other access except to Euclid Street;

WHEREAS, a prior informal arrangement had been worked out with property owners to allow trash, delivery and other large vehicles to turn through the property to exit on to North Ash Street; however, recently the property owners have refused to allow access and blocked the property;

WHEREAS, multiple approaches have been made to find a mutually acceptable solution including written offers to purchase the property, but such efforts have been unsuccessful;

WHEREAS, the City pursuant to K.S.A. 14-423 may acquire property for streets and alleyways; and

WHEREAS, the City has a public purpose in having an ingress and egress route for the alleyway for emergency access vehicles, trash service, delivery vehicles, and for the health and safety of the general public.

NOW, THEREFORE, pursuant to K.S.A. 26-201, *et seq.*, K.S.A. 14-423, *et seq.*, and other relevant legal authority, the City of McPherson hereby deems it necessary to condemn property in the 300 block of North Main Street, McPherson, Kansas as follows:

BE IT RESOLVED:

1. There is found a necessary public purpose for acquiring by the right of condemnation a right of way across the property generally shown on the attached Exhibit A in the 300 block of North Main to allow for a public alleyway and public right of ingress and egress.
2. Pursuant to Kansas law, the City staff is hereby authorized to have a survey and legal description of the property required to be condemned for such right of way as required by K.S.A. 26-201 by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and to file such with the City Clerk.

This Resolution shall be published once in the official City newspaper and upon the filing of the survey and description of the land or interest to be condemned, the governing body

shall, by ordinance, authorize and provide for the acquisition of such land or interest as provided in Kansas statutes.

This Resolution shall be in full force and effect from and after its adoption.

ADOPTED this 8th day of November, 2022 and **SIGNED** by the Mayor.

CITY OF MCPHERSON, KANSAS



Thomas A. Brown
Thomas A. Brown, Mayor

Attest:

Britta Erkelenz, City Clerk