

RESOLUTION NO. 6829

A RESOLUTION DECLARING THE NECESSITY OF THE CITY OF LAWRENCE, KANSAS, A MUNICIPAL CORPORATION, TO APPROPRIATE INTERESTS IN REAL PROPERTY FOR THE USE OF SAID CITY FOR THE LOCATION, CONSTRUCTION, OPERATION AND MAINTENANCE OF THE BURROUGHS CREEK TRAIL AND LINEAR PARK, A PERMANENT GREEN SPACE AREA AND RECREATIONAL PATH, AND A SANITARY SEWER COLLECTION AND MAIN SYSTEM, AND ALL FACILITIES APPURTENANT THERETO, PURSUANT TO K.S.A. § 26-201 AND THE EMINENT DOMAIN PROCEDURE ACT, K.S.A. § 26-501 ET SEQ., ALONG WITH K.S.A. 12-1306, K.S.A. 12-622, AND K.S.A. 12-623, TOGETHER WITH AN AUTHORIZATION TO OBTAIN A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE CONDEMNED.

**WHEREAS**, the Governing Body of the City of Lawrence, Kansas, finds that it is necessary and in the interest of the public to acquire certain interests in real property in Lawrence, Douglas County, Kansas, for the purpose of the Burroughs Creek Trail and Linear Park, a permanent green space area and recreational path, and a sanitary sewer collection and main system and all equipment and facilities appurtenant thereto; and

**WHEREAS**, the Governing Body further deems it necessary and in the public interest to acquire by condemnation fee simple title in, upon, over, under, and across portions of real estate situated in Douglas County, Kansas; and

**WHEREAS**, the acquisition of said real estate shall be for the purpose of creating, constructing, and maintaining the Burroughs Creek Trail and Linear Park, and a sanitary sewer collection and main system with attendant facilities, and

**WHEREAS**, the Governing Body of the City of Lawrence, Kansas, authorizes the making of a survey and description of the lands and interests therein to be taken, by some competent land surveyor or professional engineer who is competent to conduct a land survey, and said survey to be filed with the City Clerk, of the City of Lawrence, Kansas.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Lawrence, Kansas:

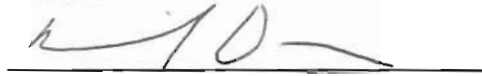
**Section 1.** The above recitals are incorporated herein as if fully set forth.

**Section 2.** That it is necessary and in the public interest to acquire by condemnation certain private property for the use of the City for the purposes stated herein.

**Section 3.** That a licensed land surveyor or a professional engineer who is competent to conduct a land survey shall be employed to provide a survey and description of said lands or interest to be condemned which shall be filed with the City Clerk of Lawrence, Kansas.

PASSED by the Governing Body of the City of Lawrence, Kansas, on the 31st day of March, 2009.

APPROVED



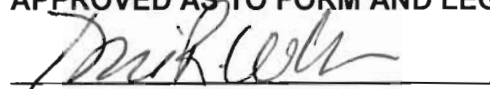
Mike Dever, Mayor

ATTEST:



Frank S. Reeb  
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni Wheeler  
Director of Legal Services