

RESOLUTION NO. 971

A RESOLUTION OF THE CITY OF OSAWATOMIE, KANSAS ACCEPTING THE CONVEYANCE BY DONALD D. AND PATRICIA C. KRUEGER (OWNERS) OF A PERMANENT DRAINAGE EASEMENT TO THE CITY OF OSAWATOMIE GENERALLY LOCATED AT THE INTERSECTION 16TH STREET AND BROWN AVENUE.

WHEREAS, the Donald D. and Patricia C. Krueger, are the Owners of certain real property generally located at the intersection of 16th Street and Brown Avenue; and

WHEREAS, the City has requested the Owners of said property to grant to the City a Permanent Drainage Easement in order to facilitate the reconstruction of certain public infrastructure improvements adjacent to said property; and

WHEREAS, the Owners shall retain the right to use the surface of said Easement, so long as said use does not interfere with the construction, installation, and maintenance of drainage facilities and similar appurtenances, and so long as no building(s) are erected within the Easement; and

WHEREAS, the City shall have the right of ingress and egress upon the above-described Easement for the purpose of constructing, maintaining, repairing, or replacing said drainage facilities and drainage improvements and otherwise make all uses of said Easement and do all things necessary or proper for the use of the Easement for said public facilities and structures. All grass, sidewalks, streets, driveways and parking lots damaged by Grantee's use of the above-described Easement shall be replaced by Grantee at Grantee's expense

WHEREAS, the Governing Body of the City of Osawatomie, Kansas, finds it advisable to accept said easement across the property described hereinafter.

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

SECTION ONE: That the Governing Body hereby accepts the conveyance of a public easement over the following described land for purposes of a permanent drainage easement, the legal description of said easement being described as follows:

A TRACT OF LAND IN LOT 44, BLOCK 2, LOWE'S ADDITION TO WEST HIGHLAND'S, IN THE CITY OF OSAWATOMIE, MIAMI COUNTY, KANSAS, PREPARED BY ALBERT DIEBALL PS 758 FEBRUARY 9, 2022, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 44; THENCE ALONG THE SOUTH LINE OF SAID LOT 44 AND THE NORTH RIGHT-OF-WAY LINE OF BROWN AVENUE WEST 25.00 FEET TO THE

SOUTHWEST CORNER OF LOT 44; THENCE NORTHEAST TO A POINT ON THE EAST LINE OF SAID LOT 44 AND THE WEST RIGHT-OF-WAY LINE OF 16TH STREET; SAID POINT BEING 30.00 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID LOT 44; THENCE ALONG THE EAST LINE OF SAID LOT 44 SOUTH 30.00 FEET TO THE POINT OF BEGINNING.

THIS EASEMENT CONTAINS 375 SQUARE FEET.

SECTION TWO: The City Manager, City Clerk, and City Attorney are hereby authorized and directed to do all things necessary to accept and record this easement from the Krueger's across said lands for the purposes set forth herein.

SECTION THREE: This Resolution shall be in full force and effect from and after its adoption and the recording of the easement with the Miami County Register of Deeds' office. Said easement is to be filed by the Grantee.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 17th day of February, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson
Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk

APPROVED AS TO FORM:

Richard S. Wetzler
City Attorney