

RESOLUTION NO. 2003

A RESOLUTION DECLARING IT NECESSARY TO ACQUIRE BY CONDEMNATION REAL PROPERTY INTEREST IN FEE SIMPLE FOR THE USE OF THE CITY OF GARDNER, KANSAS, FOR PUBLIC USE ASSOCIATED WITH THE CITY'S USE AND OPERATION OF THE GARDNER MUNICIPAL AIRPORT.

WHEREAS, the City of Gardner, Kansas owns and operates a municipal airport commonly referred to as the Gardner Municipal Airport ("Airport");

WHEREAS, pursuant to regulatory direction received from the Federal Aviation Administration ("FAA") the City is required to and has been requested by the FAA to obtain real property in fee simple at the end of and to the South of the east-west runway for airport improvements and for purposes of securing air rights and specifically air rights associated with the present and future runway protection zone and/or approach slope;

WHEREAS, the City is authorized to exercise eminent domain for the purpose of acquiring such real property pursuant to Article 12, Section 5 of the Kansas Constitution, K.S.A. § 26-201 and K.S.A. § 3-711 for the purposes herein stated;

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

SECTION ONE: It is hereby declared necessary to acquire by condemnation for the use of the City of Gardner, Kansas associated with the City's use and operation of the Gardner Municipal Airport for the purpose of constructing airport improvements and for purposes of securing air rights and specifically air rights associated with the present and future runway protection zone and/or approach slope, the fee simple title to the property legally described and depicted on Exhibit A attached hereto.

SECTION TWO: It is hereby authorized and directed that a survey and description of the lands or interests to be acquired by condemnation be made by the City Engineer and filed with the City Clerk of the City of Gardner, Kansas, which survey must be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey.

SECTION THREE: After filing of said survey, an ordinance shall be prepared and submitted to the Governing Body for consideration that provides for the acquisition of private property by appropriate proceedings in eminent domain.

SECTION FOUR: This Resolution shall be published once in the official City newspaper.

SECTION FIVE: This Resolution shall take effect and be in force from and after its publication in the official City newspaper.

ADOPTED by the City Council this 19th day of November, 2018.

SIGNED by the Mayor this 19th day of November, 2018.

CITY OF GARDNER, KANSAS

(SEAL)

/s/

Steve Shute, Mayor

Attest:

/s/

Amy Nasta, City Clerk

Approved as to form:

/s/

Ryan Denk, City Attorney