

**City of Mission  
Regular Meeting Agenda  
Wednesday, February 19, 2020  
7:00 p.m.  
Mission City Hall**

*If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. PUBLIC HEARINGS**

**2. SPECIAL PRESENTATIONS**

- Recognition of Johnny's BBQ
- Recognition of Suzie Gibbs, Mission Family Adoption Committee Members and Mission Magazine Editorial Board Members
- Presentation of AAA Traffic Safety Award to Police Department

**3. ISSUANCE OF NOTES AND BONDS**

**4. CONSENT AGENDA**

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember or member of the public requests, an item may be removed from the consent agenda for further consideration and separate motion.***

**CONSENT AGENDA - GENERAL**

- 4a. [Minutes of the January 15, 2020 City Council Meeting](#)

**CONSENT AGENDA - Finance & Administration Committee**

[Finance & Administration Committee Meeting Packet 2-5-2020](#)

[Finance & Administration Committee Meeting Minutes 2-5-2020](#)

- 4b. Resolution Authorizing a Lease-Purchase Agreement with US Bancorp to Finance the Acquisition of Police Vehicles and Associated Equipment
- 4c. Purchase of Police Department Server for Watch Guard Video Storage
- 4d. Massage Establishment Application, Kristine Fotland, LMT, 5845 Horton, Suite 202

**CONSENT AGENDA - Community Development Committee**

[Community Development Committee Meeting Packet 2-5-2020](#)

[Community Development Committee Meeting Minutes 2-5-2020](#)

- 4e. Renewal of Traffic Signal Maintenance Services Contract
- 4f. Easement Acquisition, Rock Creek Channel Project

**5. PUBLIC COMMENTS**

**6. ACTION ITEMS  
Planning Commission**

**Miscellaneous**

**7. COMMITTEE REPORTS**

**Finance & Administration, Sollie Flora**

[Finance & Administration Committee Meeting Packet 2-5-2020](#)

[Finance & Administration Committee Meeting Minutes 2-5-2020](#)

**Community Development, Hillary Thomas**

[Community Development Committee Meeting Packet 2-5-2020](#)

[Community Development Committee Meeting Minutes 2-5-2020](#)

7a. Communication/Marketing/Branding/PR Services ([page 3](#))

7b. City Hall Workspace Renovation ([page 6](#))

**8. UNFINISHED BUSINESS**

**9. NEW BUSINESS**

9a. Resolution Supporting the *Leading Together 2020 Cities Agenda* ([page 8](#))

9b. Resolution - Rock Creek Channel Project Eminent Domain Proceedings ([page 15](#))

9c. Ordinance - Rock Creek Channel Project Eminent Domain Proceedings ([page 15](#))

**10. COMMENTS FROM THE CITY COUNCIL**

**11. MAYOR'S REPORT  
Appointments**

**12. CITY ADMINISTRATOR'S REPORT**

**13. EXECUTIVE SESSION**

**ADJOURNMENT**

<b>City of Mission</b>	Item Number:	7a.
<b>ACTION ITEM SUMMARY</b>	Date:	February 5, 2020
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** City-wide Communication/Marketing/Branding/PR Services

**RECOMMENDATION:** Authorize a 12 month contract with crux. for City-wide marketing/branding/PR services in an amount not to exceed \$90,000.

**DETAILS:** For the last several months staff and Council have been discussing and evaluating marketing/branding/PR for the City. Current communication methods and platforms lacked consistency, cohesiveness and often timely implementation frequently leaving both staff, Council and residents desiring more.

At the January Community Development Committee meeting staff recommended the City enter into a 12 month “subscription” contract with crux. to provide city-wide communication, marketing, branding and PR services. While the Council seemed supportive of crux. there were a number of questions surrounding the expected outcomes for such a significant investment as well as what needs/services might be anticipated in future years. In order to give staff more time to address these questions and comments a final decision on the recommendation was deferred to the February committee meeting.

Throughout the process of soliciting quotes for communication/marketing/branding/PR services there were a number of objectives which were identified. Those included:

- Enhanced communication
- Opportunities to drive revenues at the Community Center, MFC and other parks and recreation programs
- Updated Parks & Recreation Activity guide
- Updated and more relevant communication materials (communication infrastructure)
- Better consistency of message
- Need for training and support as PR responsibilities are decentralized throughout the organization
- New logo/branding
- Updated website

As discussed at the January meeting, the recommendation to engage crux. was based not only on the quality of their creative/technical skill sets, but also the unique business model they offered to provide support in executing and implementing the strategies as

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	7a.
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<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

an extension of city staff. Hiring crux. provides the city with the ability to tap into a wide array of skills and resources available from the team. This access to multiple skill sets helps to ensure we receive not only the identified deliverables but also assistance with data collection support/advice, staff training and development, standardization of processes and procedures, 30-60-90 day action strategies (follow-up managed by the consultant team).

We are looking for a partner who will “tell us what we don’t know,” produce the product we need, and most importantly, provide the resources necessary to implement the agreed upon strategies. The annual subscription (\$90,000) would be billed in equal monthly installments and would provide 60 hours of dedicated staff time and resources from the crux. team each month. A listing of the comprehensive services offered by crux. is included in the packet.

Staff recognize that the financial commitment associated with this effort is not insignificant. The Council had previously allocated \$60,000 for these types of services in the Parks and Recreation budget, but the city-wide effort does require an additional \$30,000. Funds are available from excess fund balance in the General Fund generated by anticipated savings from the 2019 Budget.

Council also had questions about costs and or support past the initial year of the contract. The initial investment is certainly frontloaded and can be evaluated after 12 months to determine any adjustments going forward.

Staff will make a formal presentation on this item at the Committee meeting.

**CFAA CONSIDERATIONS/IMPACTS:** The marketing/branding project will meet a number of objectives outlined in the CFAA checklist including:

1-C) The City designs and builds its public buildings to meet the needs of residents of all ages. Examples include: easy-to-read signage and accessible elevators, ramps, railings and stairs, and non-slip floors.

4-B) The City has a comprehensive communication plan with marketing and outreach strategies and tools that include diverse public imagery, depicting all ages, cultures and

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	7a.
<b>ACTION ITEM SUMMARY</b>	Date:	February 5, 2020
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

abilities.

5-F) The City and its partners develop an outreach plan to ensure residents of all ages are included in community and civic conversations.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	February 5, 2020
<b>Administration</b>	From:	Emily Randel

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** City Hall Workspace Renovation

**RECOMMENDATION:** Review and approve a bid from Day Construction Company for City Hall remodeling work in an amount not to exceed \$8,900.

**DETAILS:** Following the Council's approval of a new Planner position in the Community Development Department, an additional workspace is required in City Hall. In looking at the current configurations of workspace, staff has identified a set of improvements that will make better use of the existing area adjacent to Council Chambers, and create a pleasant and functional workspace on the western side of the office space at City Hall.

The proposal is to convert the underutilized small meeting room into an office for the Payroll / Benefits Specialist, allowing the new Planner to occupy the existing office on the east side of the building. The project proposed below reformats the entry area into the west side of the building, relocating the interior office door to the south wall of the office, and adding a window to the east wall of the office. The project also removes the false wall and roll-up window that currently divides the space.

Revised bids were secured from three contractors, following the committee meeting on February 5. Staff feel confident in recommending Day Construction Company, the most thorough, comprehensive and responsive bid. Not included in the bid is the relocation of the prox card reader and office furniture for the new employee. Those more minor items can be treated separately and handled administratively.

Contractor	Bid Estimate
Rau Construction	\$17,984
Day Construction Company	\$8,900
Reliable Construction Services, Inc. and Molina Painting, LLC	\$6,950 + \$1,450 = \$8,400

This project is separate from any of the proposed recommendations put forward in the space needs analysis undertaken in 2019. It is intended to be a response to an immediate need resulting from the addition of an FTE position, and one that will make use of existing under utilized space. This work was not included in the 2020 budget.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	February 5, 2020
<b>Administration</b>	From:	Emily Randel

Action items require a vote to recommend the item to the full City Council for further action.

**CFAA CONSIDERATIONS/IMPACTS:** The renovations will not create major changes in the existing space. However, the project will allow for greater ease of movement within the area, and the new door will be lighter, with a panic release exit mechanism on the new door, at the height directed by the American's with Disabilities Act.

Related Statute/City Ordinance:	
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	9a.
<b>DISCUSSION ITEM SUMMARY</b>	Date:	February 5, 2020
<b>Administration</b>	From:	Laura Smith

Discussion items allow the committee the opportunity to freely discuss the issue at hand.

**RE:** Resolution Supporting the *Leading Together 2020 Cities Agenda*

**DETAILS:** During the November 2019 National League of Cities (NLC) Conference, the *Leading Together Cities Agenda* was announced. The initiative/agenda was created because local elected officials cities, towns and villages have a critical role to play in the 2020 presidential election.

Founded in a belief that the President of the United States must adopt an inclusive and comprehensive agenda that addresses the priorities of our nation’s communities, a bipartisan 2020 Presidential Election Task Force was formed. This group of over 30 local leaders from across the country set out to ensure that the priorities of our nation’s communities are front and center during the 2020 presidential election cycle. The Committee created the *Leading Together 2020 Cities Agenda* that was presented to the more than 4,000 conference attendees as the “start of something bigger.”

As the NLC calls on presidential candidates to commit to the spirit of partnership and progress of Leading Together, they are also calling on local leaders to do their part. Councilmember Flora has requested that the Council consider a Resolution in support of the *Leading Together 2020 Cities Agenda*.

Additional supporting materials outlining the goals of the initiative and the shared values and commitments are included in the packet for your information. This has been presented as a discussion item, but if the Council is supportive of the resolution, it could easily be converted to an action item for the February 19, 2020 City Council meeting.

**CFAA IMPACTS/CONSIDERATIONS: NA**

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



**CITY OF MISSION  
RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MISSION, KANSAS DEMONSTRATING SUPPORT FOR THE *LEADING TOGETHER 2020 CITIES AGENDA*, A BIPARTISAN PLATFORM OF THE NATIONAL LEAGUE OF CITIES TO ENSURE THE PRIORITIES OF COMMUNITIES NATIONWIDE ARE FRONT AND CENTER DURING THE 2020 PRESIDENTIAL ELECTION CYCLE.**

WHEREAS, the 2020 presidential election will be historic in scope, consequence and in determining the future direction of intergovernmental relations in the United States; and

WHEREAS, the next President will be tasked with governing more than 330 million Americans; and

WHEREAS, the City of Mission, Kansas is home to 9,323 of those Americans and is one of the 19,000 municipalities represented by the National League of Cities (NLC); and

WHEREAS, NLC has launched its Leading Together 2020 Cities Agenda in advance of the upcoming presidential election, which was created by a bipartisan task force composed of 28 local leaders from around the country; and

WHEREAS, the 2020 Cities Agenda lays out four principles and four priorities that candidates for President of the United States should support prior to seeking the endorsement of local leaders; and

WHEREAS, the 2020 Cities Agenda reflects local leaders' strong understanding of Americans' top priorities and concerns, and represents an agenda for a strong, safe and fair nation.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

**Section 1.** That the City of Mission, Kansas supports the 2020 Cities Agenda created by National League of Cities.

**Section 2.** That the City of Mission, Kansas urges all candidates running for President to support the 2020 Cities Agenda.

**Section 3.** That copies of this Resolution and the 2020 Cities Agenda be forwarded to appropriate points of contact for the campaigns of each candidate running for office of the President at the time of this resolution's adoption.

**Section 4.** This resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

**PASSED AND APPROVED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_ 2020.

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Ronald E. Appletoft, Mayor

ATTEST:

\_\_\_\_\_  
Martha M. Sumrall, City Clerk



# leading together

2020

**cities  
agenda**

## An Agenda for the 2020 Presidential Election from America's Local Leaders

We are America's local elected leaders. We are the voice of America's cities, towns and villages, representing more than 200 million people. We are Republicans, Democrats and Independents. We may disagree on some issues, but we are united in the belief that our nation is strongest when all levels of government work together to protect and advance the priorities of America's communities and their residents. We are committed to **Leading Together**.

We know what Americans want from their elected leaders because we are the level of government closest to the people. We talk with our constituents every day—in the grocery store, in our places of worship, at school and community events. We understand what keeps Americans up at night and what kind of future they want for their families.

Our **Leading Together Cities Agenda** for the 2020 presidential election reflects this understanding of Americans' top priorities and concerns. This is America's agenda for a strong, safe and fair nation.

We call on the presidential candidates to endorse this Cities Agenda. We look forward to working with the President to deliver common-sense solutions for growing the economy, promoting public safety, and investing in the 21<sup>st</sup>-century infrastructure that will support all of America to thrive.

*2020 Presidential Election Task Force  
National League of Cities*

NATIONAL  
LEAGUE  
OF CITIES

## SHARED VALUES ...

As local leaders, we know that governing effectively is not just about *what* we do; it is also about *how* we get it done. We want to work with the President to bring a spirit of partnership to American politics and governance. We urge the President to join us in making a commitment to the following principles for our work together:

**RESPECT.** America's local leaders ask that the President respect the authority of local government to act in the best interests of our communities—by eliminating unfunded mandates, preemptions, and other restrictions on local decision making, and by providing resources directly to local governments.

**PARTNERSHIP.** Local leaders are committed to working together across parties and ideologies to solve problems. We ask that the President join us in lifting up America's political and policy discourse, looking for consensus, and forging bipartisan solutions.

**INCLUSION.** As our communities grow more diverse every year, America's local leaders want to partner with the President to build a nation and an economy that work for everyone. That means advancing policies that treat all people fairly and that create conditions where everyone can find opportunities to thrive and achieve their American dream.

**ACCOUNTABILITY.** America's local leaders understand that we are accountable for addressing the challenges and opportunities confronting our communities and their residents. We ask that the President join us in delivering on the promises we have made to our constituents and working diligently for positive results for America's communities.

## ... AND A SHARED COMMITMENT

America's communities —rural and urban, small and large— are facing challenges and opportunities across a wide range of issues. We recommend that the President adopt the following four priorities in the first 100 days of the new administration.

## Building Sustainable Infrastructure

Much of our nation's infrastructure is in need of repair, improvement and modernization to meet the demands of the 21<sup>st</sup> century. By investing strategically, we can ensure that America's infrastructure will support a stronger economy and withstand extreme weather events. To rebuild and reimagine our infrastructure, we ask the President to:

- ➔ Partner with local governments to rebuild and fully fund the nation's transportation network, better connect our regions, and innovate with technology and sustainable solutions.
- ➔ Provide grants, tools and resources to support local efforts to strengthen infrastructure and make communities safer and more resilient in the face of extreme weather events.
- ➔ Make the necessary investments to ensure that reliable, affordable broadband service is available to all Americans, including those in small and rural communities, while eliminating hurdles to local innovation.

## Creating A Skilled Workforce

Investing in the American workforce is critical to protecting and expanding our nation's economic success and ensuring that all people have opportunities to thrive. Because of the diversity of local economies, the federal government needs to empower local workforce solutions, streamline federal funding, and drive new resources to proven approaches in our communities. To advance workforce readiness in the face of changing economic forces and technology, we ask the President to:

- ➔ Boost investment in and awareness of apprenticeship programs that provide a pathway to successful careers, including industry and sector partnerships and pre-apprenticeship programs for workers with barriers to employment.
- ➔ Expand Pell grants and other financial aid programs to cover needed workforce skills training, such as short-term programs leading to certificates.
- ➔ Create new pathways to successful careers for unemployed and underemployed Americans through expanded investments in skills training and wraparound supports, such as childcare and transportation.

## Ending Housing Instability And Homelessness

Housing costs continue to climb in diverse communities across the country, leaving millions of individuals and families without enough money for food, transportation and other basic needs. The growing imbalance of housing supply and demand is putting affordable housing and homeownership out of reach for too many, while undermining economic success at all levels. This crisis is overwhelming cities and service providers working at the intersection of mental health, substance use

disorder and homelessness. Effective local responses require multi-sector partnerships and a strong federal partner. To promote comprehensive housing solutions, we ask the President to:

- ➔ Ensure sufficient federal funding streams are in place, partnerships are enabled and encouraged, and federal funds are appropriated directly to the local level for mental health, drug treatment and other emergency services.
- ➔ Prevent homelessness by providing wraparound services, emergency assistance and crisis interventions for at-risk individuals and families before they face a crisis.
- ➔ Promote housing affordability by advancing new policies to stabilize and stem the loss of public and affordable housing, while authorizing new funding for pilot programs that advance housing for all.

## Reducing Gun Violence

As local elected officials, we are charged with keeping our communities safe. Every day, 100 Americans die because of gun violence, and hundreds more are shot and injured. It's time for the nation's elected leaders to work together at all levels to address this crisis by advancing common-sense solutions to protect our communities and our children while ensuring that law-abiding residents maintain their Second Amendment rights. To reduce gun violence and promote public safety, we ask the President to:

- ➔ Convene a national commission on gun violence (including elected officials from all levels of government, victims' family members, survivors, gun advocates, law enforcement, and others) to offer recommendations.
- ➔ Advance legislation requiring fully federally funded and completed background checks for all gun sales and transfers, consistent with state and local laws.
- ➔ Enact federal legislation that would allow judges to issue extreme risk protection orders to reduce firearm-related suicides, murder-suicides, and domestic violence.
- ➔ Provide sufficient funding to the Centers for Disease Control to conduct comprehensive research to identify the underlying causes that lead to gun violence and mass shootings in communities.

By **Leading Together**, elected leaders at all levels of government can advance positive solutions and build a strong, safe and fair America. During the 2020 election cycle, the National League of Cities is pleased to serve as a resource for those vying to be the next leader of our nation, and for those who want to better communicate about the needs of America's communities and their residents.

Learn more at: [www.nlc.org/citiesagenda](http://www.nlc.org/citiesagenda)

<b>City of Mission</b>	Item Number:	9b. And 9c.
<b>ACTION ITEM SUMMARY</b>	Date:	February 19, 2020
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Eminent Domain Proceedings for Acquisition of Temporary Construction and Permanent Drainage Easements for the Rock Creek Channel Improvement Project.

**RECOMMENDATIONS:** Approve a resolution declaring it necessary to appropriate private property for public use for the Rock Creek Channel Improvement Project. Approve an ordinance authorizing and providing for the acquisition of lands by condemnation for the Rock Creek Channel Improvement Project.

**DETAILS:** The Rock Creek Channel Improvement project includes construction of retaining walls, channel modifications, and parking lot improvements along Rock Creek from east of Nall Avenue to Roeland Drive to address erosion and flooding concerns. George Butler Associates (GBA) is currently completing design of the project under a design contract approved by the City Council on June 19, 2019, with an anticipated bid opening in late February 2020.

In order to construct improvements along the Rock Creek Channel, acquisition of Permanent Drainage Easements (PDEs) and Temporary Construction Easements (TCEs) are required. Easements are required on eight properties and easements on seven properties have been acquired to date.

The outstanding easements are needed from the property at 5900 Roeland Drive (Wendy's). Staff have been working with the property owner for several months and regrettably have made no substantial progress, even though they are aware of the construction milestone timelines. The property owner has been specifically advised that the City intends to pursue eminent domain to acquire the necessary easements, and that consideration is scheduled for the February 19, 2020 City Council meeting. Staff will continue to negotiate with the property owner to reach an agreement, but it is necessary to begin the eminent domain proceedings in order to keep the project on schedule.

The Council will consider two actions. The first is a Resolution that authorizes a survey and preparation of a description of the easements to be acquired. Because all of the survey work was done in 2019 in connection with the project, this Resolution is just a formality. The second step is an ordinance which approves the survey and authorizes the filing of a petition for eminent domain in the Johnson County, Kansas District Court.

Following the Council's consideration, the Resolution will be published in the Legal Record on February 25, and the Ordinance will be published on March 3.

Related Statute/City Ordinance:	K.S.A. 26-501 to 26-516
Line Item Code/Description:	NA
Available Budget:	

<b>City of Mission</b>	Item Number:	9b. And 9c.
<b>ACTION ITEM SUMMARY</b>	Date:	February 19, 2020
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to the full City Council for further action.

Project construction is anticipated to begin in Spring 2020 with completion at the end of 2020.

**CFAA CONSIDERATIONS/IMPACTS:**

Related Statute/City Ordinance:	K.S.A. 26-501 to 26-516
Line Item Code/Description:	NA
Available Budget:	



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR PUBLIC USE IN THE CITY OF MISSION, KANSAS, THROUGH THE EXERCISE OF EMINENT DOMAIN FOR THE ROCK CREEK CHANNEL IMPROVEMENT PROJECT, INCLUDING, WITHOUT LIMITATION, DRAINAGE IMPROVEMENTS AND ALL ATTENDANT AND NECESSARY WORK ASSOCIATED THEREWITH, INCLUDING THE CONSTRUCTION, REPAIR, REPLACEMENT, AND RELOCATION OF UTILITIES, CONSTRUCTION OF RETAINING WALLS, CHANNEL MODIFICATIONS, GRADING, THE STORAGE OF MATERIALS, THE OPERATION OF EQUIPMENT, RECONSTRUCTION OF PARKING LOTS AND DRIVEWAY ENTRANCES, AND THE MOVEMENT OF A WORK FORCE, AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE ACQUIRED.**

WHEREAS, the Governing Body of the City of Mission, Kansas has deemed it necessary to construct, reconstruct, alter, extend, relocate, remove, repair, maintain, inspect, and use public improvements, including, but not limited to, drainage improvements, and all attendant and necessary work associated therewith, including the construction, repair, replacement, and relocation of utilities, construction of retaining walls, channel modifications, grading, the storage of materials, the operation of equipment, reconstruction of parking lots and driveway entrances, and the movement of a work force in the vicinity of Martway Street and Roeland Drive in Mission, Kansas;

WHEREAS, the construction and use of the public improvements as directed and authorized by the Governing Body requires the acquisition of a Temporary Construction Easement and a Permanent Easement in the real property described in Exhibit A attached to this Resolution (“Property”) and incorporated herein by reference;

WHEREAS, the City of Mission, Kansas, has attempted to negotiate the acquisition of the required Temporary Construction Easement and the Permanent Easement; and

WHEREAS, the owners or other parties who may or do have an interest in the Property have not accepted the request of the City of Mission, Kansas, to sell and convey the Temporary Construction Easement and the Permanent Easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:**

SECTION 1. It is hereby declared necessary to appropriate a Permanent Easement and Temporary Construction Easement in the Property for the use of the City of Mission, Kansas, in having access via automobiles, trucks, or otherwise, constructing, reconstructing, altering, extending, relocating, removing, repairing, maintaining, inspecting, and using public

improvements, including, but not limited to, drainage improvements, and all attendant and necessary work associated therewith, including the construction, repair, replacement, and relocation of utilities, construction of retaining walls, channel modifications, grading, the storage of materials, the operation of equipment, reconstruction of parking lots and driveway entrances, and the movement of a work force.

SECTION 2. A survey and descriptions of the Permanent Easement and Temporary Construction Easement to be acquired have been duly authorized and made by George Butler Associates, Inc., a competent professional engineer, and the survey and descriptions have been filed with the Office of the City Clerk of Mission, Kansas.

SECTION 3. This Resolution shall be published one time in the official City newspaper, all as provided by law.

ADOPTED by the Governing Body of the City of Mission, Kansas, this \_\_\_\_ day of February, 2020.

APPROVED by the Mayor, this \_\_\_\_ day of February, 2020.

\_\_\_\_\_  
RONALD E. APPLETOFT, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Martin, City Attorney

## Exhibit A

### **PERMANENT DRAINAGE EASEMENT (PDE):**

*A tract of land being part of Lots 25, and 26, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, recorded in Book 35, Page 26, being more particularly described as follows:*

*Commencing at the Northwest corner of said Lot 25; thence South 25°19'18" East, along the West line of said Lot 25, a distance of 120.56 feet; thence North 64°40'42" East, departing said West line, a distance of 29.99 feet, to the Point of Beginning, said point being on the East line of a tract of land described in a Petition for Eminent Domain Case No. 08cv08090, recorded in Book 200809, Page 006990, and said line being 49.10 feet West of and parallel to the East line of said Lot 25; thence North 64°40'42" East, a distance of 257.55 feet, to a point on the West Right-of-Way line of Roeland Drive, as now established per Book 200711, Page 006031; thence South 29°28'40" East, along said West Right-of-Way line, a distance of 8.00 feet, to a point on the Northerly line of an existing Permanent Drainage and Utility Easement, recorded in Book 200707, Page 004028, and in Book 200711, Page 006030; thence South 67°02'18" West, departing said West Right-of-Way line, along said Northerly line, a distance of 43.92 feet; thence South 60°39'45" West, continuing along said Northerly line, a distance of 30.72 feet, to the Northwest corner of said existing easement; thence South 29°26'25" East, departing said Northerly line, along the Westerly line of said existing easement, a distance of 56.83 feet, to a point on the South line of said Lot 26; thence South 64°40'42" West, departing said Westerly line, along said South line, and along the South line of said Lot 25, a distance of 187.68 feet, to the Southeast corner of said tract of land; thence North 25°19'18" West, departing said South line, along the East line of said tract of land, a distance of 65.00 feet, to the Point of Beginning, containing 12,580.70 square feet, or 0.289 acres, more or less.*

### **TEMPORARY CONSTRUCTION EASEMENT (TCE):**

*A tract of land being part of Lots 25, and 26, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, recorded in Book 35, Page 26, being more particularly described as follows:*

*Commencing at the Northwest corner of said Lot 25; thence South 25°19'18" East, along the West line of said Lot 25, a distance of 120.56 feet; thence North 64°40'42" East, departing said West line, a distance of 29.99 feet, to the Point of Beginning, said point being on the East line of a tract of land described in a Petition for Eminent Domain Case No. 08cv08090, recorded in Book 200809, Page 006990, and said line being 49.10 feet West of and parallel to the East line of said Lot 25; thence North 25°19'18" West, along said East line, a distance of 14.78 feet; thence North 64°38'49" East, departing said East line, a distance of 256.46 feet, to a point on the West Right-of-Way line of Roeland Drive, as now established per Book 200711, Page 006031; thence South 29°28'40" East, along said West Right-of-Way line, a distance of 14.96 feet; thence South 64°40'42" West, departing said West Right-of-Way line, a distance of 257.55 feet, to the Point of Beginning, containing 3,816.63 square feet, or 0.088 acres, more or less.*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY EMINENT DOMAIN FOR THE ROCK CREEK CHANNEL IMPROVEMENT PROJECT, INCLUDING, WITHOUT LIMITATION, DRAINAGE IMPROVEMENTS AND ALL ATTENDANT AND NECESSARY WORK ASSOCIATED THEREWITH, INCLUDING THE CONSTRUCTION, REPAIR, REPLACEMENT, AND RELOCATION OF UTILITIES, CONSTRUCTION OF RETAINING WALLS, CHANNEL MODIFICATIONS, GRADING, THE STORAGE OF MATERIALS, THE OPERATION OF EQUIPMENT, RECONSTRUCTION OF PARKING LOTS AND DRIVEWAY ENTRANCES, AND THE MOVEMENT OF A WORK FORCE.**

WHEREAS, the Governing Body of the City of Mission, Kansas, has by Resolution No. \_\_\_\_\_, attached hereto as Exhibit A and incorporated herein by reference, declared the necessity for acquiring a Temporary Construction Easement and a Permanent Easement in the real property described in Exhibit B attached to this Ordinance (“Property”) and incorporated herein by reference for the purpose of constructing, reconstructing, altering, extending, relocating, removing, repairing, maintaining, inspecting, and using public improvements, including, but not limited to, drainage improvements, and all attendant and necessary work associated therewith, including the construction, repair, replacement, and relocation of utilities, construction of retaining walls, channel modifications, grading, the storage of materials, the operation of equipment, reconstruction of parking lots and driveway entrances, and the movement of a work force in the vicinity of Martway Street and Roeland Drive in Mission, Kansas (collectively, “Improvements”), and authorized a survey and description of the lands or interests to be acquired to be made by a licensed land surveyor or a competent professional engineer and filed with the City Clerk; and

WHEREAS, a survey and legal descriptions of the land or interests therein to be acquired by eminent domain have been made and prepared by a competent engineer and filed with the Clerk of the City of Mission, Kansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:**

SECTION 1. It is hereby authorized and provided that the lands or interests described in Exhibit B and generally shown on Exhibit C be acquired by the exercise of eminent domain pursuant to Kansas law for the purpose of providing, constructing, operating, using, replacing, reconstructing, maintaining, and, if later necessary, abandoning the Improvements.

SECTION 2. It is further authorized and provided that as soon as practical after enactment of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with Kansas law to acquire the Temporary Construction Easement and Permanent Construction Easement in the Property as described in Exhibit B and generally shown on Exhibit C.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication as provided by law.

\_\_\_\_\_  
RONALD E. APPLETOFT, Mayor

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Martin, City Attorney

# EXHIBIT A

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR PUBLIC USE IN THE CITY OF MISSION, KANSAS, THROUGH THE EXERCISE OF EMINENT DOMAIN FOR THE ROCK CREEK CHANNEL IMPROVEMENT PROJECT, INCLUDING, WITHOUT LIMITATION, DRAINAGE IMPROVEMENTS AND ALL ATTENDANT AND NECESSARY WORK ASSOCIATED THEREWITH, INCLUDING THE CONSTRUCTION, REPAIR, REPLACEMENT, AND RELOCATION OF UTILITIES, CONSTRUCTION OF RETAINING WALLS, CHANNEL MODIFICATIONS, GRADING, THE STORAGE OF MATERIALS, THE OPERATION OF EQUIPMENT, RECONSTRUCTION OF PARKING LOTS AND DRIVEWAY ENTRANCES, AND THE MOVEMENT OF A WORK FORCE, AND AUTHORIZING A SURVEY AND DESCRIPTION OF THE LAND OR INTERESTS TO BE ACQUIRED.**

WHEREAS, the Governing Body of the City of Mission, Kansas has deemed it necessary to construct, reconstruct, alter, extend, relocate, remove, repair, maintain, inspect, and use public improvements, including, but not limited to, drainage improvements, and all attendant and necessary work associated therewith, including the construction, repair, replacement, and relocation of utilities, construction of retaining walls, channel modifications, grading, the storage of materials, the operation of equipment, reconstruction of parking lots and driveway entrances, and the movement of a work force in the vicinity of Martway Street and Roeland Drive in Mission, Kansas;

WHEREAS, the construction and use of the public improvements as directed and authorized by the Governing Body requires the acquisition of a Temporary Construction Easement and a Permanent Easement in the real property described in Exhibit A attached to this Resolution (“Property”) and incorporated herein by reference;

WHEREAS, the City of Mission, Kansas, has attempted to negotiate the acquisition of the required Temporary Construction Easement and the Permanent Easement; and

WHEREAS, the owners or other parties who may or do have an interest in the Property have not accepted the request of the City of Mission, Kansas, to sell and convey the Temporary Construction Easement and the Permanent Easement.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:**

SECTION 1. It is hereby declared necessary to appropriate a Permanent Easement and Temporary Construction Easement in the Property for the use of the City of Mission, Kansas, in having access via automobiles, trucks, or otherwise, constructing, reconstructing, altering, extending, relocating, removing, repairing, maintaining, inspecting, and using public

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improvements, including, but not limited to, drainage improvements, and all attendant and necessary work associated therewith, including the construction, repair, replacement, and relocation of utilities, construction of retaining walls, channel modifications, grading, the storage of materials, the operation of equipment, reconstruction of parking lots and driveway entrances, and the movement of a work force.

SECTION 2. A survey and descriptions of the Permanent Easement and Temporary Construction Easement to be acquired have been duly authorized and made by George Butler Associates, Inc., a competent professional engineer, and the survey and descriptions have been filed with the Office of the City Clerk of Mission, Kansas.

SECTION 3. This Resolution shall be published one time in the official City newspaper, all as provided by law.

ADOPTED by the Governing Body of the City of Mission, Kansas, this \_\_\_\_ day of February, 2020.

APPROVED by the Mayor, this \_\_\_\_ day of February, 2020.

\_\_\_\_\_  
RONALD E. APPLETOFT, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Martha Sumrall, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David Martin, City Attorney

## Exhibit A

### **PERMANENT DRAINAGE EASEMENT (PDE):**

*A tract of land being part of Lots 25, and 26, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, recorded in Book 35, Page 26, being more particularly described as follows:*

*Commencing at the Northwest corner of said Lot 25; thence South 25°19'18" East, along the West line of said Lot 25, a distance of 120.56 feet; thence North 64°40'42" East, departing said West line, a distance of 29.99 feet, to the Point of Beginning, said point being on the East line of a tract of land described in a Petition for Eminent Domain Case No. 08cv08090, recorded in Book 200809, Page 006990, and said line being 49.10 feet West of and parallel to the East line of said Lot 25; thence North 64°40'42" East, a distance of 257.55 feet, to a point on the West Right-of-Way line of Roeland Drive, as now established per Book 200711, Page 006031; thence South 29°28'40" East, along said West Right-of-Way line, a distance of 8.00 feet, to a point on the Northerly line of an existing Permanent Drainage and Utility Easement, recorded in Book 200707, Page 004028, and in Book 200711, Page 006030; thence South 67°02'18" West, departing said West Right-of-Way line, along said Northerly line, a distance of 43.92 feet; thence South 60°39'45" West, continuing along said Northerly line, a distance of 30.72 feet, to the Northwest corner of said existing easement; thence South 29°26'25" East, departing said Northerly line, along the Westerly line of said existing easement, a distance of 56.83 feet, to a point on the South line of said Lot 26; thence South 64°40'42" West, departing said Westerly line, along said South line, and along the South line of said Lot 25, a distance of 187.68 feet, to the Southeast corner of said tract of land; thence North 25°19'18" West, departing said South line, along the East line of said tract of land, a distance of 65.00 feet, to the Point of Beginning, containing 12,580.70 square feet, or 0.289 acres, more or less.*

### **TEMPORARY CONSTRUCTION EASEMENT (TCE):**

*A tract of land being part of Lots 25, and 26, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, recorded in Book 35, Page 26, being more particularly described as follows:*

*Commencing at the Northwest corner of said Lot 25; thence South 25°19'18" East, along the West line of said Lot 25, a distance of 120.56 feet; thence North 64°40'42" East, departing said West line, a distance of 29.99 feet, to the Point of Beginning, said point being on the East line of a tract of land described in a Petition for Eminent Domain Case No. 08cv08090, recorded in Book 200809, Page 006990, and said line being 49.10 feet West of and parallel to the East line of said Lot 25; thence North 25°19'18" West, along said East line, a distance of 14.78 feet; thence North 64°38'49" East, departing said East line, a distance of 256.46 feet, to a point on the West Right-of-Way line of Roeland Drive, as now established per Book 200711, Page 006031; thence South 29°28'40" East, along said West Right-of-Way line, a distance of 14.96 feet; thence South 64°40'42" West, departing said West Right-of-Way line, a distance of 257.55 feet, to the Point of Beginning, containing 3,816.63 square feet, or 0.088 acres, more or less.*



## EXHIBIT B

### ***PERMANENT DRAINAGE EASEMENT (PDE):***

*A tract of land being part of Lots 25, and 26, Block 5, MISSION VILLAGE, a subdivision in the City of Mission, Johnson County, Kansas, recorded in Book 35, Page 26, being more particularly described as follows:*

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# EXHIBIT C

