

RESOLUTION NUMBER 091018-2

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACCEPT A DONATION OF REAL ESTATE RELATED TO THE CITY'S CONSTRUCTION OF STORM WATER RUNOFF CONTROL FACILITIES.

WHEREAS, Highland Homes, LP ("Owner") is the owner of certain real property within the City of Abilene, Kansas, a portion of which is described in Exhibit A attached hereto (the "Property");

WHEREAS, the City wishes to construct a storm water detention basin and related storm water runoff control facilities ("Drainage Facilities") on the Property and an adjoining property;

WHEREAS, Owner has proposed to donate and convey to the City the Property, and the Governing Body finds that the City's acceptance of the donation and conveyance, on terms and conditions to be negotiated by the City Manager, is in furtherance of the public interest; **SO NOW, THEREFORE**,

BE IT RESOLVED, by the Governing Body of the City of Abilene, Kansas:

Section 1. The Governing Body authorizes the City Manager to perform any due diligence, as deemed necessary and appropriate by the City Manager in his sole discretion, related to the acceptance of Owner's proposed donation and conveyance of the Property.

Section 2. Following completion of any due diligence, the City Manager is hereby authorized, in his sole discretion, to accept the Owner's donation and conveyance of the Property to the City, and to negotiate and enter into any other documents required in connection with the donation and transfer, including but not limited to any easements required from Owner in connection with the City's construction or maintenance of the Drainage Facilities, all on such terms and conditions as may be negotiated and approved by the City Manager.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

Adopted by the Board of Commissioners and signed by the Mayor this 10th day of September, 2018.




Penny L. Soukup, CMC, City Clerk


Timothy Shafer, Mayor

