

2012 Kansas Statutes

68-2097. Kansas turnpike authority; incidental powers; acquisition of property; powers; eminent domain; plans and specifications, when. The authority shall have power to construct grade separations at intersections of any highway project with public highways and to change and adjust the lines and grades of such public highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such public highways shall be ascertained and paid by the authority as a part of the cost of such highway project.

If the authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the authority shall deem most favorable and substantially the same type and in as good condition as the original public highway. The cost of such reconstruction and any damage incurred in changing the location of any such public highway shall be ascertained and paid by the authority as a part of the cost of such highway project: *Provided*, The authority shall not change the location of any portion of a public highway which is a part of the state highway system without the approval of the secretary of transportation.

Any public highway affected by the construction of any highway project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as a part of the cost of such highway project.

In addition to the foregoing powers the authority and its authorized agents and employees may enter upon any lands, waters and premises in the state for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "transmission facilities") of any public utility, pipeline company or pipeline operator in, on, along, over or under any highway project. Whenever the authority shall determine that it is necessary that any such transmission facilities which now are, or hereafter may be, located, in, on, along, over or under any highway project, shall be relocated in such highway project, the owner or operator of such facilities shall relocate the same in accordance with the order of the authority: *Provided, however*, That the cost and expenses of such relocation, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation, shall be ascertained and paid by the authority as a part of the cost of such highway project. In case of any such relocation of facilities, the owner or operator of the same, their successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as they had the right to maintain and operate such facilities in their former location or locations. The authority shall also have power to enter into contracts with any landowners for the construction and maintenance of underpasses and bridges under and across any highway project running across or through such landowner's land.

The state hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the authority to be necessary for the construction or operation of any highway project.

The authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this act, such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying underwater and riparian rights, which are located within this state, as it may deem necessary or convenient for the construction and operation of any highway project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the state.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or absent, unknown or unable to convey valid title, the authority is hereby authorized and empowered to acquire by condemnation any lands, property, rights, rights-of-way, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, copartnership, association or other corporation, municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any highway project, such condemnation power to be exercised in the manner provided by K.S.A. 26-501 through 26-516, inclusive, and amendments thereto.

History: L. 1973, ch. 269, § 5; L. 1975, ch. 427, § 204; Aug. 15.