

RESOLUTION NO. 01-09-20A

A RESOLUTION PURSUANT TO K.S.A. 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

WHEREAS, K.S.A. 26-201 authorizes a City to acquire by condemnation any interest in real property when it is deemed necessary, for use by the City, by the governing body of the City; and

WHEREAS, the City is constructing the 207th Grade Separation Project and associated improvements (hereinafter "Project") within the City and Johnson County, Kansas and the proposed location of said Project is generally located near the intersection of 207th Street and Co-op Road; and

WHEREAS, in order to complete the Project, the City needs to obtain rights-of-way, permanent easements and temporary construction easements across property along 207th Street and Co-op Road within the City and Johnson County, Kansas; and

WHEREAS, the City has attempted, and will continue to attempt, to negotiate with the private landowners for the rights-of-way, permanent easements and temporary construction easements needed for the Project but to date such negotiations have been unsuccessful.

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

SECTION 1: That pursuant to K.S.A. 26-201, the City declares that the easements are necessary for the Project.

SECTION 2: The locations of the rights-of-way, permanent easements and temporary construction easements needed are generally located near the intersection of 207th Street and Co-op Road within the City of Edgerton, Johnson County, Kansas, and Johnson County, Kansas are more specifically described below.

Parcel No. 4F221518-1012 (37305 W 207TH ST)

Right-of-Way Description

All that part of the Northwest Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the north line of said Northwest Quarter a distance of 831.50 feet; thence South 01°52'35" East along a line parallel to the west line of said Northwest Quarter a distance of 20.00 feet to the Point of beginning; thence continuing South 01°52'35" East along a line parallel to the west line of said Northwest Quarter a distance of 5.27 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 545.00 feet a chord bearing of South 82°15'00" West, and a chord length of 103.01 feet for a distance of 103.16 feet; thence South 87°40'21" West parallel to the north line of said Northwest Quarter a distance of 50.00 feet; thence North 02°19'39" West a distance of 15.00 feet to a point on the existing south R/W line of 207th Street; thence North 87°40'21" East along said existing R/W line a distance of 152.59 feet to the Point of Beginning, containing 1,957 square feet, or 0.045 acres, more or less.

Permanent Utility Easement Description

All that part of the Northwest Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the north line of said Northwest Quarter a distance of 831.50 feet; thence South 01°52'35" East along a line parallel to the west line of said Northwest Quarter a distance of 25.27 feet to the Point of beginning; thence continuing South 01°52'35" East along a line parallel to the west line of said Northwest Quarter a distance of 5.10 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 550.00 feet a chord bearing of South 82°18'07" West, and a chord length of 102.96 feet for a distance of 103.11 feet; thence South 87°40'21" West parallel to the north line of said Northwest Quarter a distance of 50.00 feet; thence North 02°19'39" West a distance of 5.00 feet to a point on the proposed R/W line; thence North 87°40'21" East parallel to the north line of said Northwest Quarter a distance of 50.00 feet; thence northeasterly, along a non-tangent curve to the left having a radius of 545.00 feet a chord bearing of North 82°15'00" East, and a chord length of 103.01 feet for a distance of 103.16 feet to the Point of Beginning, containing 766 square feet, or 0.018 acres, more or less.

Parcel No. BF221518-3001 (20920 SUNFLOWER RD)

Right-of-Way Description

All that part of the Northeast Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County; thence South 02°37'28" East along the west line of said Northeast Quarter a distance of 40.00 feet to a point on the existing south R/W line of 207th Street; thence North 88°01'16" East along said R/W line a distance of 250.87 feet to the Point of beginning; thence southeasterly, along a non-tangent curve to the left having a radius of 1,047.00 feet a chord bearing of South 88°39'52" East, and a chord length of 121.07 feet for a distance of 121.14 feet; thence North 01°58'44" West a distance of 7.00 feet to a point on said existing south R/W line of 207th Street; thence South 88°01'16" West along said existing R/W line a distance of 120.87 feet to the Point of Beginning, containing 564 square feet, or 0.013 acres, more or less.

Temporary Construction Easement Description

All that part of the Northeast Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 18, Township 15 South, Range 22 East, in Johnson County; thence South 02°37'28" East along the west line of said Northeast Quarter a distance of 40.00 feet to a point on the existing south R/W line of 207th Street; thence North 88°01'16" East along the said R/W line a distance of 250.87 feet to the Point of beginning; thence southeasterly, along a non-tangent curve to the left having a radius of 1,047.00 feet a chord bearing of South 88°39'52" East, and a chord length of 121.07 feet for a distance of 121.14 feet; thence North 01°58'44" West a distance of 7.00 feet to a point on said existing south R/W line of 207th Street; thence North 88°01'16" East along said existing R/W line a distance of 100.00 feet; thence South 75°36'49" West a distance of 102.39 feet; thence northwesterly, along a non-tangent curve to the right having a radius of 1,062.00 feet a chord bearing of North 86°08'16" West, and a chord length of 216.17 feet for a distance of 216.54 feet to a point on said existing south R/W line of 207th Street; thence North 88°01'16" East along said existing R/W line a distance of 94.18 feet to the Point of Beginning, containing 3,696 square feet, or 0.085 acres, more or less.

Parcel No. 4F221507-4001

Right-of-Way Description

All that part of the Southeast Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 01°46'40" West along the west line of said Southeast Quarter a distance of 40.00 feet to the Point of beginning; thence North 01°46'40" West along the west line of said Southeast Quarter a distance of 82.50 feet; thence southeasterly, along a non-tangent curve to the left having a radius of 953.00 feet a chord bearing of South 80°29'56" East, and a chord length of 379.34 feet for a distance of 381.89 feet; thence South 01°58'44" East a distance of 7.00 feet to a point on said existing north R/W line of 207th Street; thence South 88°01'16" West along said existing R/W line a distance of 372.04 feet to the Point of Beginning, containing 11,816 square feet, or 0.271 acres, more or less.

Temporary Construction Easement Description

All that part of the Southeast Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 01°46'40" West along the west line of said Southeast Quarter a distance of 122.50 feet to the Point of beginning; thence southeasterly, on the proposed R/W line, along a non-tangent curve to the left having a radius of 953.00 feet a chord bearing of South 80°29'56" East, and a chord length of 379.34 feet for a distance of 381.89 feet; thence South 01°58'44" East a distance of 7.00 feet to a point on the existing north R/W line of 207th Street; thence North 88°01'16" East along said existing R/W line a distance of 100.00 feet; thence North 79°34'18" West a distance of 102.39 feet; thence northwesterly, along a non-tangent curve to the right having a radius of 938.00 feet a chord bearing of North 80°18'24" West, and a chord length of 379.55 feet for a distance of 382.18 feet to a point on the west line of said southeast quarter; thence South 01°46'40" East, along said west line, a distance of 16.29 feet to the Point of Beginning, containing 6,831 square feet, or 0.157 acres, more or less.

4F221507-2004

All of the South 696.00 feet of the Southeast 1/4 of the Southwest 1/4 of Section 7, Township 15, Range 22, lying West of the Railroad right-of-way, in Johnson County, Kansas, subject to the rights of the public in roads. Subject to easements, restrictions and reservations of record, if any.

Containing 347,109.71 square feet, or 7.969 acres, more or less, exclusive of existing road rights-of-way.

410 W BRAUN ST (Parcel Nos. BF221507-2009, BF221507-2016)

All that part of the Southwest Quarter of Section 7, Township 15, Range 22, Johnson County described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter, 932.5 feet to the point of beginning, thence continuing East along said South line, 330.74 feet; thence North and Parallel to the West line of said Southwest Quarter, 233.5 feet; thence West and Parallel to the South line of said Southwest Quarter, 330.74 feet; thence South and parallel to the West line of Southwest Quarter, 233.5 feet to the point of beginning, except that part in road.

410 W BRAUN ST (Parcel Nos. BF221507-2010, BF221507-2016)

All that part of the Southwest Quarter of Section 7, Township 15, Range 22, Johnson County, Kansas described as follows: Commencing at the Southwest corner of said Southwest Quarter, thence East along the South line of said Southwest Quarter, 932.5 feet; thence North, parallel to the West line of said Southwest Quarter, 233.5 feet to the point of beginning, thence continuing North parallel to said West line, 557.5 feet, thence East parallel to the South line of said Southwest Quarter, 330.74 feet; thence South, parallel to the West line of said Southwest Quarter 557.5 feet, thence West parallel to the South line of said Southwest Quarter, 330.74 feet to the point of beginning.

410 W BRAUN ST (Parcel Nos. BF221507-2013, BF221507-2016)

All of the East 336.49 feet of the North 531.27 feet of the southwest Quarter of the Southwest Quarter of Section 7, Township 15, Range 22, Johnson County, Kansas.

510 W BRAUN ST (Parcel Nos. BF221507-2008, BF221507-2016)

Right-of-Way Description

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 20.00 feet to the Point of beginning; thence continuing North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 61.41 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 74°54'13" West, and a chord length of 209.97 feet for a distance of 211.72 feet; thence South 87°40'21" West parallel to the south line of said Southwest Quarter a distance of 50.00 feet; thence South 02°19'39" East a distance of 15.00 feet to a point on the existing north R/W line of 207th Street; thence North 87°40'21" East along said existing R/W line a distance of 254.00 feet to the Point of Beginning, containing 6,901 square feet, or 0.158 acres, more or less.

Permanent Drainage Easement Description

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 81.41 feet to a point on the proposed right of way line; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 69°01'58" West, and a chord length of 114.11 feet for a distance of 114.38 feet; to the Point of beginning; thence North 14°04'07" West a distance of 5.00 feet; thence South 76°50'31" West a distance of 14.94 feet; thence South 12°14'51" East a distance of 5.00 feet; thence northeasterly, along a non-tangent curve to the left having a radius of 475.00 feet a chord bearing of North 76°50'31" East, and a chord length of 15.10 feet for a distance of 15.10 feet to the Point of Beginning, containing 76 square feet, or 0.002 acres, more or less.

Temporary Construction Easement Description

All that part of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County Kansas, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter of Section 7, Township 15 South, Range 22 East, in Johnson County; thence North 87°40'21" East along the south line of said Southwest Quarter a distance of 932.50 feet; thence North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 81.41 feet to the Point of beginning; thence continuing North 01°36'00" West along a line parallel to the west line of said Southwest Quarter a distance of 25.06 feet; thence South 48°14'53" West a distance of 62.07 feet; thence South 72°02'06" West a distance of 63.88 feet; thence South 14°04'07" East a distance of 5.00 feet; thence southwesterly, along a non-tangent curve to the right having a radius of 475.00 feet a chord bearing of South 76°50'31" West, and a chord length of 15.10 feet for a distance of 15.10 feet; thence North 12°14'51" West a distance of 5.00 feet; thence South 82°42'45" West a distance of 81.27 feet; thence South 02°19'39" East a distance of 5.00 feet to a point on the proposed R/W line; thence following the proposed R/W line along a non-tangent curve to the left having a radius of 475.00 feet a chord bearing of North 74°54'13" East, and a chord length of 209.97 feet for a distance of 211.72 feet to the Point of Beginning, containing 1,612 square feet, or 0.037 acres, more or less.

SECTION 3: City Staff is authorized to have a survey conducted and a description of the land and easements to be condemned to be prepared by a competent engineer. Both the survey and the description of the property to be condemned shall be filed with the City Clerk upon their completion.

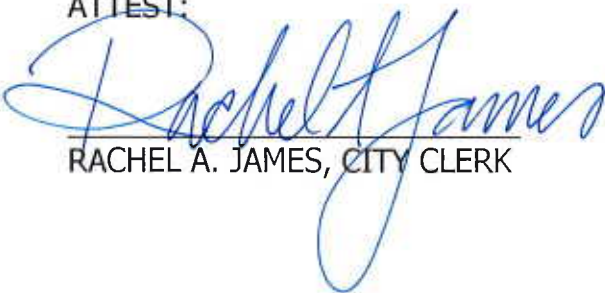
SECTION 4: The City Clerk is hereby directed to publish this Resolution once in the City's official newspaper.

SECTION 5: This Resolution shall be effective upon its approval and adoption.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS ON THIS 9th DAY OF JANUARY, 2020.


DONALD ROBERTS, MAYOR

ATTEST:


RACHEL A. JAMES, CITY CLERK



APPROVED AS TO FORM:



LEE W. HENDRICKS, CITY ATTORNEY