

ORDINANCE NO. 2033

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING 56 HIGHWAY MULTI-USE TRAIL PROJECT AND ASSOCIATED IMPROVEMENTS

WHEREAS, K.S.A. 26-201 requires that, prior to commencing condemnation proceedings, the Governing Body, by passage of an ordinance, authorize and provide for the acquisition of land or interest needed by the City, set forth the land or interest to be condemned, state for what purpose the condemned land or interest in land is to be used, and, if applicable, designate, as a benefit district, property specifically benefited by the proposed improvement.

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

Section 1. That the legal descriptions and survey of pedestrian easements, permanent water line easements, temporary construction easements and storm water easements necessary for the construction of the 56 Highway Multi-use Trail project within the City of Edgerton, Johnson County, Kansas -- as prepared by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 02-27-20B (adopted by the Governing Body of the City of Edgerton, Kansas on February 27, 2020), are hereby approved.

Section 2. That the action of the Governing Body of the City of Edgerton, Kansas in acquiring permanent and temporary easements necessary for the construction of the 56 Highway Multi-use Trail within the City of Edgerton, Johnson County, Kansas has been declared necessary by the Governing Body.

Section 3. That the acquisition of permanent and temporary easements, as described hereinafter, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

Section 4. That there be and there is hereby declared to be public necessity to acquire, by Eminent Domain Proceedings for the purpose of constructing of the 56 Highway Multi-use Trail on the south side of Highway 56, the land hereinafter described:

Permanent Water Line and Pedestrian Easement

THE NORTH 12.5 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,650 SQUARE FEET.

Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.50 FEET OF LOT 10, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST

QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 660 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

THE NORTH 12 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 1,765 SQUARE FEET.

Temporary Construction Easement

THE SOUTH 5.00 FEET OF THE NORTH 17.00 FEET OF LOT 9, WESTVIEW SUBDIVISION, A RESURVEY OF LOTS 9 AND 10 IN COUNTY CLERK'S SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22, JOHNSON COUNTY, KANSAS, CONTAINING 735 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56

N.88°04'51"E. (BEING AN ASSUMED BEARING) 243.07 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8

S.01°45'17"E. 15.90 FEET; THENCE

N.84°05'35"W. 36.01 FEET; THENCE

S.88°04'51"W. 42.93 FEET; THENCE

S.81°45'22"W. 40.24 FEET; THENCE

S.88°04'51"W. 5.22 FEET; THENCE

N.85°35'39"W. 40.24 FEET; THENCE

S.88°04'51"W. 57.52 FEET; THENCE

S.82°05'43"W. 10.05 FEET; THENCE

S.88°04'51"W. 5.15 FEET; THENCE

N.85°56'00"W. 6.61 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8

N.01°42'51"W. 11.36 FEET TO THE POINT OF BEGINNING, CONTAINING 2,977 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 8, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF SAID LOT 8 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE WEST LINE OF SAID LOT 8 S.01°42'51"E. (BEING AN ASSUMED BEARING) 11.36 FEET TO THE POINT OF BEGINNING; THENCE S.85°56'00"E. 6.61 FEET; THENCE N.88°04'51"E. 5.15 FEET; THENCE N.82°05'43"E. 10.05 FEET; THENCE N.88°04'51"E. 57.52 FEET; THENCE S.85°35'39"E. 40.24 FEET; THENCE N.88°04'51"E. 5.22 FEET; THENCE N.81°45'22"E. 40.24 FEET; THENCE N.88°04'51"E. 42.93 FEET; THENCE S.84°05'35"E. 36.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 8; THENCE ALONG THE EAST LINE OF SAID LOT 8 S.01°45'17"E. 5.05 FEET; THENCE N.84°05'35"W. 36.34 FEET; THENCE S.88°04'51"W. 42.31 FEET; THENCE S.81°45'22"W. 40.24 FEET; THENCE S.88°04'51"W. 5.77 FEET; THENCE N.85°35'39"W. 40.24 FEET; THENCE S.88°04'51"W. 56.99 FEET; THENCE S.82°05'43"W. 10.05 FEET; THENCE S.88°04'51"W. 5.67 FEET; THENCE N.85°56'00"W. 6.37 FEET TO A POINT ON THE WEST LINE OF SAID LOT 8; THENCE ALONG THE WEST LINE OF SAID LOT 8 N.01°42'51"W. 5.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1,220 SQUARE FEET.

Permanent Water Line, Storm-Water and Pedestrian Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE PRESENT SOUTH RIGHT-OF-WAY LINE OF SAID US HIGHWAY 56 N.88°10'58"E. (BEING AN ASSUMED BEARING) 219.63 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. 15.94 FEET; THENCE N.79°43'38"W. 14.02 FEET; THENCE S.88°10'58"W. 98.26 FEET; THENCE S.76°19'14"W. 35.69 FEET; THENCE S.87°58'43"W. 39.06 FEET; THENCE N.84°05'35"W. 19.89 FEET; THENCE S.01°45'17"E. 12.28 FEET; THENCE S.88°14'43"W. 14.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7 N.01°45'17"W. 30.06 FEET TO THE POINT OF BEGINNING, CONTAINING 3,653 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 7, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST LINE OF SAID LOT 7 AND ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56; THENCE ALONG THE EAST LINE OF SAID LOT 7 S.01°50'59"E. (BEING AN ASSUMED BEARING) 15.94 FEET TO THE POINT OF BEGINNING; THENCE
N.79°43'38"W. 14.02 FEET; THENCE
S.88°10'58"W. 98.26 FEET; THENCE
S.76°19'14"W. 35.69 FEET; THENCE
S.87°58'43"W. 39.06 FEET; THENCE
N.84°05'35"W. 19.89 FEET; THENCE
S.01°45'17"E. 5.05 FEET; THENCE
S.84°05'35"E. 19.57 FEET; THENCE
N.87°58'43"E. 39.91 FEET; THENCE
N.76°19'14"E. 28.73 FEET; THENCE
S.00°00'00"E. 9.77 FEET; THENCE
N.90°00'00"E. 13.39 FEET; THENCE
N.00°00'00"W. 11.62 FEET; THENCE
N.88°10'58"E. 90.57 FEET; THENCE
S.79°43'38"E. 14.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE ALONG THE EAST LINE OF SAID LOT 7
N.01°50'59"W. 5.11 FEET TO THE POINT OF BEGINNING, CONTAINING 1,183 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14
S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET; THENCE
N.46°30'24"W. 16.18 FEET; THENCE
N.83°28'15"W. 4.62 FEET; THENCE
S.88°09'32"W. 95.61 FEET; THENCE
S.78°41'47"W. 24.33 FEET; THENCE
S.88°09'32"W. 6.38 FEET TO THE WEST LINE OF SAID LOT 14; THENCE ALONG THE WEST LINE OF SAID LOT 14
N.01°50'59"W. 16.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE ALONG THE NORTH LINE OF SAID LOT 14
N.88°09'32"E. 141.96 FEET TO THE POINT OF BEGINNING, CONTAINING 1,852 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 14, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE ALONG THE EAST LINE OF SAID LOT 14

S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.18 FEET TO THE POINT OF BEGINNING;
THENCE

N.46°30'24"W. 16.18 FEET; THENCE

N.83°28'15"W. 4.62 FEET; THENCE

S.88°09'32"W. 95.61 FEET; THENCE

S.78°41'47"W. 24.33 FEET; THENCE

S.88°09'32"W. 6.38 FEET TO A POINT ON THE WEST LINE OF SAID LOT 14; THENCE ALONG
THE WEST LINE OF SAID LOT 14

S.01°50'59"E. 5.00 FEET; THENCE

N.88°09'32"E. 6.79 FEET; THENCE

N.78°41'47"E. 24.33 FEET; THENCE

N.88°09'32"E. 94.83 FEET; THENCE

S.83°28'15"E. 2.58 FEET; THENCE

S.46°30'24"E. 19.56 FEET TO A POINT ON THE EAST LINE OF SAID LOT 14; THENCE ALONG
THE EAST LINE OF SAID LOT 14

N.01°47'02"W. 7.11 FEET TO THE POINT OF BEGINNING, CONTAINING 738 SQUARE FEET.

Permanent Water Line and Pedestrian Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTH LINE OF SAID LOT 1

N.88°09'32"E. (BEING AN ASSUMED BEARING) 149.66 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1

S.01°43'25"E. 16.01 FEET; THENCE

S.88°11'06"W. 12.01 FEET; THENCE

N.84°11'46"W. 30.13 FEET; THENCE

S.88°09'32"W. 87.14 FEET; THENCE

S.79°37'41"W. 11.81 FEET; THENCE

S.38°26'56"W. 13.86 FEET TO THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST
LINE OF SAID LOT 1

N.01°47'02"W. 24.32 FEET TO THE POINT OF BEGINNING, CONTAINING 1,977 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 1, BLOCK ONE, BURKDOLL ADDITION, A REPLAT OF PART OF LOT 6, COUNTY CLERK'S SUBDIVISION OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 15, RANGE 22 E, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1

S.01°47'02"E. (BEING AN ASSUMED BEARING) 24.32 FEET TO THE POINT OF BEGINNING;
THENCE

N.38°26'56"E. 13.86 FEET; THENCE

N.79°37'41"E. 11.81 FEET; THENCE

N.88°09'32"E. 87.14 FEET; THENCE

S.84°11'46"E. 30.13 FEET; THENCE

N.88°11'06"E. 12.01 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1; THENCE ALONG THE EAST LINE OF SAID LOT 1

S.01°43'25"E. 5.00 FEET; THENCE

S.88°11'06"W. 12.33 FEET; THENCE

N.84°11'46"W. 30.13 FEET; THENCE

S.88°09'32"W. 86.44 FEET; THENCE

S.79°37'41"W. 9.56 FEET; THENCE

S.38°26'56"W. 17.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE ALONG THE WEST LINE OF SAID LOT 1

N.01°47'02"W. 7.74 FEET TO THE POINT OF BEGINNING, CONTAINING 778 SQUARE FEET.

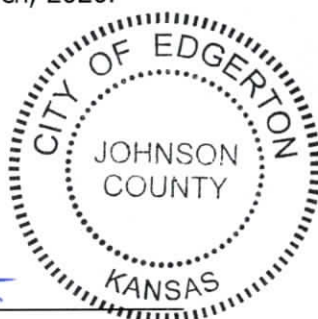
Section 5. That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 12th of March, 2020.

(Seal)

ATTEST:


Chris Clinton, City Clerk




Donald Roberts, Mayor

APPROVED AS TO FORM:


Lee W. Hendricks, City Attorney

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of **THE GARDNER NEWS** A weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on March 18 , 2020
Publications being made on the following:

EDITOR Brandon Humble

SUBSCRIBED AND SWORN TO ME THIS : March 18, 2020

NOTARY PUBLIC Rhonda K. Humble

MY COMMISSION EXPIRES

COST-----

ADDITIONAL COPIES-----

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

First published in *The Gardner News* Wednesday, March 18, 2020

ORDINANCE NO. 2033 SUMMARY

On March 12, 2020, the City of Edgerton, Kansas approved Ordinance No. 2033 which approved the description and survey of lands necessary for acquisition of right of way and easements needed for construction of the 56 Highway Multi-Use Trail

project and associated improvements. A complete copy of this ordinance is available at www.edgertonks.org or at Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas 66021. This summary is certified by Lee Hendricks, City Attorney for the City of Edgerton, Kansas.