

ORDINANCE NO. 2039

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING AN INTERSECTION AND CITY SANITARY SEWER LINES AT 20080 HOMESTEAD LANE (200th STREET SANITARY SEWER PROJECT)

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 temporary construction easements and sanitary sewer easements necessary for the construction of an intersection and city sanitary sewer lines at 20080 Homestead Lane, said location being within the City of Edgerton, Johnson County, Kansas -- as prepared by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 05-14-20A (adopted by the Governing Body of the City of Edgerton, Kansas on May 14, 2020) -- are hereby approved.

Section 2. That the action of the Governing Body of the City of Edgerton, Kansas in acquiring temporary construction easements and sanitary sewer easements necessary for the construction of an intersection and city sanitary sewer lines at 20080 Homestead Lane 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 an intersection and city sanitary sewer lines at 20080 Homestead Lane, the land hereinafter described:

TEMPORARY CONSTRUCTION EASEMENT - INTERSECTION

A TRACT OF LAND IN NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 15 SOUTH, RANGE 22 EAST OF THE 6TH P.M. IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 9; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9
S.02°03'46"E. (BEING AN ASSUMED BEARING) 889.10 FEET; THENCE
S.87°56'14"W. 70.68 FEET TO THE POINT OF BEGINNING AND A POINT ON THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF HOMESTEAD LANE

S.08°14'50"W. 250.00 FEET; THENCE
N.81°45'10"W. 50.00 FEET; THENCE
N.08°14'50"E. 250.00 FEET; THENCE
S.81°45'10"E. 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 12,500 SQUARE FEET.

PERMANENT SANITARY SEWER EASEMENT

A TRACT OF LAND 40 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 333.58 FEET, TO THE POINT OF TERMINUS ON THE EAST LINE OF THE VARIABLE WIDTH SANITARY SEWER EASEMENT RECORDED IN BOOK 201210 AT PAGE 000189, IN THE OFFICE OF THE REGISTER OF DEEDS, JOHNSON COUNTY, KANSAS, CONTAINING 25,664 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

TEMPORARY CONSTRUCTION EASEMENT – SANITARY SEWER

A TRACT OF LAND 100 FEET IN WIDTH ACROSS A PART OF THE NE1/4 OF SECTION 9, TOWNSHIP 15, RANGE 22, IN JOHNSON COUNTY, KANSAS, LYING 50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE1/4 OF SAID SECTION 9; THENCE N 2° 03' 46" W, ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 9, A DISTANCE OF 659.94 FEET; THENCE S 86° 33' 57" W, A DISTANCE OF 193.72 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 86° 33' 57" W, A DISTANCE OF 8.02 FEET; THENCE N 89° 21' 09" W, A DISTANCE OF 300.00 FEET; THENCE S 86° 59' 55" W, A DISTANCE OF 378.45 FEET, TO THE POINT OF TERMINUS ON THE WEST LINE OF THE EAST THIRD OF THE NE1/4 OF SAID SECTION 9, CONTAINING 68,646 SQUARE FEET, MORE OR LESS.

THE LIMITS OF SAID EASEMENT SHALL EITHER EXTEND OR TERMINATE AS NECESSARY TO PRODUCE A CONTINUOUS BOUNDARY THAT IS CONTIGUOUS WITH THE CORRESPONDING LINES AS DESCRIBED.

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 28th of May, 2020.

(Seal)

ATTEST:


Chris Clinton, City Clerk




Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney