

ORDINANCE NO. 1090

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS AND ROAD RIGHT-OF-WAY NEEDED FOR CONSTRUCTING HOMESTEAD LANE/207TH STREET 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 description and survey of rights-of-way, permanent easements and temporary construction easements necessary for the construction of Homestead Lane (Interstate 35 to 207th Street) and 207th Street (from Homestead Lane to Waverly Road) within Johnson County, Kansas -- as prepared by the City's retained engineering consultants, approved by the City Engineer, and filed with the City Clerk pursuant to Resolution No. 09-27-18B (adopted by the Governing Body of the City of Edgerton, Kansas on September 27, 2018), are hereby approved.

Section 2. That the action of the Governing Body of the City of Edgerton, Kansas in acquiring rights-of-way, permanent and temporary easements necessary for construction of Homestead Lane (Interstate 35 to 207th Street) and 207th Street (from Homestead Lane to Waverly Road) within Johnson County, Kansas has been declared necessary by the Governing Body.

Section 3. That the acquisition of rights-of-way, 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 Homestead Lane/207th Street all as described in Section 1 of this Ordinance, the land hereinafter described:

Tract 8: 32105 W. 207th Street

Permanent Roadway Right-of-Way

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

Commencing at the Northeast corner of said Northwest Quarter; thence South 88°11'14" West, along the North line thereof, a distance of 406.00 feet to the Northeast corner of the property described in a Kansas General Warranty Deed filed with the Johnson County Register of Deeds in Book 6886 at Page 708, said point being the Point of Beginning; thence continuing South 88°11'14" West, along the North line of said Northwest Quarter, a distance of 330.00 feet to the Northwest corner of the property described in said Kansas General Warranty Deed; thence South 01°48'46" East, along the West line of the property described in said Kansas General Warranty Deed, a distance of 60.00 feet to a point on the South line of the North 60.00 feet of said Northwest Quarter; thence North 88°11'14" East, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 330.50 feet to the intersection with the East line of the property described in said Kansas General Warranty Deed; thence North 02°17'47" West, along the East line of the property described in said Kansas General Warranty Deed, a distance of 60.00 feet to the Point of Beginning. Subject to all that part thereof in the North 20.00 feet in existing roadway right-of-way of W. 207th Street.

Containing 13,213 square feet or 0.30 acres, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Temporary Construction Easement

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

Commencing at the Northeast corner of said Northwest Quarter; thence South 88°11'14" West, along the North line thereof, a distance of 406.00 feet to the Northeast corner of the property described in a Kansas General Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Book 6886 at Page 708; thence South 02°17'47" East, along the East line of the property described in said Kansas General Warranty Deed, a distance of 60.00 feet to a point on the South line of the North 60.00 feet of said Northwest Quarter, said point being the Point of Beginning; thence South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 104.28 feet; thence South 39°30'12" East a distance of 67.83 feet to a point on the South line of the North 113.67 feet of said Northwest Quarter; thence North 88°11'14" East, along the South line of the North 113.67 feet of said Northwest Quarter, a distance of 59.14 feet; thence North 18°44'08" East, departing the South line of the North 113.67 feet of said Northwest Quarter, a distance of 11.48 feet to a point on the East line of the property described in said Kansas General Warranty Deed; thence North 02°17'47" West, along the East line of the property described in said Kansas General Warranty Deed, a distance of 42.92 feet to the Point of Beginning.

Containing 4,474 square feet or 0.10 acres, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Tract 9: 31951 W. 207th Street

Permanent Roadway Right-of-Way

All of the North 60.00 feet of the East 406.00 feet of the Northwest Quarter of Section 15, Township 15 South, Range 22 East, Johnson County, Kansas. Subject to all that part thereof in the North 20.00 feet in existing roadway right-of-way of W. 207th Street.

Containing 16,240 square feet or 0.37 acres, more or less.

Permanent Drainage Easement

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

Commencing at the Northeast corner of said Northwest Quarter; thence South 02°17'46" East, along the East line thereof, a distance of 60.00 feet to a point on the South line of the North 60.00 feet of said Northwest Quarter; thence South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 299.46 feet to the Point of Beginning; thence continuing South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 15.06 feet; thence South 06°45'49" East, departing the South line of the North 60.00 feet of said Northwest Quarter, a distance of 19.71 feet; thence North 83°14'11" East a distance of 15.00 feet; thence North 06°45'49" West a distance of 18.42 feet to the Point of Beginning.

Containing 286 square feet, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Temporary Construction Easement

All those parts of the Northwest Quarter of Section 15, Township 15 South, Range 22 East, Johnson County, Kansas, being described as follows:

TCE 1: Commencing at the Northeast corner of said Northwest Quarter; thence South 02°17'46" East, along the East line thereof, a distance of 60.00 feet to the Point of Beginning; thence continuing South 02°17'46" East, along the East line of said Northwest Quarter, a distance of 50.00 feet to a point on the South line of the North 110.00 feet thereof; thence South 88°11'14" West, along the South line of the North 110.00 feet of said Northwest Quarter, a distance of 37.89 feet; thence North 34°50'32" West, departing the South line of the North 110.00 feet of said Northwest Quarter, a distance of 59.64 feet to a point on the South line of the North 60.00 feet thereof; thence North 88°11'14" East, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 69.98 feet to the Point of Beginning.

Containing 2,697 square feet or 0.06 acres, more or less.

TCE 2: Commencing at the Northeast corner of said Northwest Quarter; thence South 02°17'46" East, along the East line thereof, a distance of 60.00 feet to a point on the South line of the North 60.00 feet of said Northwest Quarter; thence South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 138.76 feet to the Point of

Beginning; thence continuing South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 160.70 feet; thence South 06°45'49" East, departing the South line of the North 60.00 feet of said Northwest Quarter, a distance of 18.42 feet; thence South 83°14'11" West a distance of 15.00 feet; thence North 06°45'49" West a distance of 19.71 feet to a point on the South line of the North 60.00 feet of said Northwest Quarter; thence South 88°11'14" West, along the South line of the North 60.00 feet of said Northwest Quarter, a distance of 91.49 feet to a point on the West line of the property described in a Joint Tenancy Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Volume 3832 at Page 250; thence South 02°17'47" East, along the West line of the property described in said Joint Tenancy Warranty Deed, a distance of 42.92 feet; thence North 18°44'08" East, departing the West line of the property described in said Joint Tenancy Warranty Deed, a distance of 40.65 feet; thence South 84°04'57" East a distance of 71.23 feet; thence South 06°45'49" East a distance of 87.17 feet; thence North 83°14'11" East a distance of 30.00 feet; thence North 06°45'49" West a distance of 75.52 feet; thence North 79°21'53" East a distance of 152.95 feet to the Point of Beginning. Containing 5,542 square feet or 0.13 acres, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Tract 10: 31881 W. 207th Street

Permanent Roadway Right-of-Way

All of the North 20.00 feet of Lot 1, HI-ACRES SUBDIVISION, a subdivision of record situate in Johnson County, Kansas.

Containing 32,314 square feet or 0.74 acres, more or less.

Permanent Drainage Easement

All those parts of Lot 1, HI-ACRES SUBDIVISION, a subdivision of record situate in Johnson County, Kansas, being described as follows:

PDE 1: Commencing at the North end of the Westernmost line of said Lot 1; thence South 02°17'46" East, along the Westernmost line thereof, a distance of 20.00 feet to a point on the South line of the North 20.00 feet of said Lot 1; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 327.75 feet to the Point of Beginning; thence continuing North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 1.77 feet to a point on the North line thereof, said line being the same as the West line of the unplatted property described in a General Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Book 201507 at Page 009730; thence South 01°50'01" East, continuing along the North line of said Lot 1, a distance of 22.35 feet; thence North 67°06'20" West, departing the North line of said Lot 1, a distance of 10.96 feet; thence North 22°53'40" East a distance of 19.56 feet to the Point of Beginning. Containing 127 square feet, more or less.

PDE 2: Commencing at the Northernmost end of the line common between Lot 1 and Lot 2, HI-ACRES SUBDIVISION; thence South 01°50'01" East, along said line common between Lots 1 and 2, a distance of 20.00 feet to a point on the South line of the North 20.00 feet of said Lot 1; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 407.81 feet to the Point of Beginning; thence continuing North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 24.67 feet; thence South 49°38'56" West, departing the South line of the North 20.00 feet of said Lot 1, a distance of 35.30 feet; thence North 40°21'04" West a distance of 15.36 feet; thence North 49°38'56" East a distance of 16.00 feet to the Point of Beginning. Containing 394 square feet, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Temporary Construction Easement

All those parts of Lot 1, HI-ACRES SUBDIVISION, a subdivision of record situate in Johnson County, Kansas, being described as follows:

TCE 1: Commencing at the North end of the Westernmost line of said Lot 1; thence South 02°17'46" East, along the Westernmost line thereof, a distance of 20.00 feet to the Point of Beginning; thence continuing South 02°17'46" East, along the Westernmost line of said Lot 1, a distance of 50.00 feet to a point on the South line of the North 70.00 feet thereof; thence North 88°09'59" East, along the South line of the North 70.00 feet of said Lot 1, a distance of 48.63 feet; thence North 32°52'07" East, departing the South line of the North 70.00 feet of said Lot 1, a distance of 60.82 feet to a point on the South line of the North 20.00 feet thereof; thence South 88°09'59" West, along the South line of the North 20.00 feet of said Lot 1, a distance of 83.66 feet to the Point of Beginning. Containing 3,307 square feet or 0.08 acres, more or less.

TCE 2: Commencing at the North end of the Westernmost line of said Lot 1; thence South 02°17'46" East, along the Westernmost line thereof, a distance of 20.00 feet to a point on the South line of the North 20.00 feet of said Lot 1; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 223.79 feet to the Point of Beginning; thence continuing North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 103.95 feet; thence South 22°53'40" West, departing the South line of the North 20.00 feet of said Lot 1, a distance of 19.56 feet; thence South 67°06'20" East a distance of 10.96 feet to a point on the North line of said Lot 1, said line being the same as the West line of the unplatted property described in a General Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Book 201507 at Page 009730; thence South 01°50'01" East, continuing along the North line of said Lot 1, a distance of 27.60 feet; thence South 22°53'40" West, departing the North line of said Lot 1, a distance of 56.24 feet; thence North 67°06'20" West a distance of 30.00 feet; thence North 22°53'40" East a distance of 84.56 feet; thence North 84°27'59" West a distance of 91.07 feet to the Point of Beginning. Containing 2,987 square feet or 0.07 acres, more or less.

TCE 3: Commencing at the Northernmost end of the line common between Lot 1 and Lot 2, HI-ACRES SUBDIVISION; thence South 01°50'01" East, along said line common between Lots 1 and 2, a distance of 20.00 feet to a point on the South line of the North 20.00 feet of said Lot

1; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 396.35 feet to the Point of Beginning; thence continuing North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 11.46 feet; thence South 49°38'56" West, departing the South line of the North 20.00 feet of said Lot 1, a distance of 16.00 feet; thence South 40°21'04" East a distance of 15.36 feet; thence North 49°38'56" East a distance of 35.30 feet to a point on the South line of the North 20.00 feet of said Lot 1; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 1, a distance of 12.04 feet; thence South 49°38'56" West, departing the South line of the North 20.00 feet of said Lot 1, a distance of 163.09 feet; thence North 40°05'21" West a distance of 30.00 feet; thence North 49°38'56" East a distance of 125.26 feet to the Point of Beginning. Containing 3,931 square feet or 0.09 acres, more or less.

TCE 4: All of the South 5.00 feet of the North 25.00 feet of the West 250.00 feet of the East 648.31 feet of said Lot 1. Containing 1,250 square feet, more or less.

TCE 5: Beginning at the Northeast corner of said Lot 1; thence South, along the East line thereof, a distance of 60.11 feet; thence Northwesterly, departing the East line of said Lot 1, to a point on the North line of said Lot 1 that is 15.85 feet West of the Northeast corner thereof, as measured along the North line of said Lot 1; thence East, along the North line of said Lot 1, a distance of 15.85 feet to the Point of Beginning. Except for all that part lying within the North 20.00 feet of said Lot 1. Containing 212 square feet, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Tract 11: 31755 W. 207th Street

Permanent Roadway Right-of-Way

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

Commencing at the Northwest corner of said Northeast Quarter; thence North 88°09'59" East, along the North line thereof, a distance of 330.00 feet to the Northwest corner of the property described in a General Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Book 201507 at Page 009730, said point being the Point of Beginning; thence continuing North 88°09'59" East, along the North line of said Northeast Quarter, a distance of 660.00 feet to the Northeast corner of the property described in said General Warranty Deed; thence South 01°50'01" East, along the East line of the property described in said General Warranty Deed, a distance of 60.00 feet to a point on the South line of the North 60.00 feet of said Northeast Quarter; thence South 88°09'59" West, along the South line of the North 60.00 feet of said Northeast Quarter, a distance of 660.00 feet to a point on the West line of the property described in said General Warranty Deed; thence North 01°50'01" West, along the West line of the property described in said General Warranty Deed, a distance of 60.00 feet to the Point of Beginning. Subject to all that part thereof in the North 20.00 feet in existing roadway right-of-way of W. 207th Street.

Containing 26,400 square feet or 0.61 acres, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Permanent Drainage Easement

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

Commencing at the Northwest corner of said Northeast Quarter; thence North 88°09'59" East, along the North line thereof, a distance of 330.00 feet to the Northwest corner of the property described in a General Warranty Deed filed with the Johnson County, Kansas Register of Deeds in Book 201507 at Page 009730; thence South 01°50'01" East, along the West line of the property described in said General Warranty Deed, a distance of 60.00 feet to the Point of Beginning; thence continuing South 01°50'01" East, along the West line of the property described in said General Warranty Deed, a distance of 22.35 feet; thence South 67°06'20" East, departing the West line of the property described in said General Warranty Deed, a distance of 4.04 feet; thence North 22°53'40" East a distance of 26.47 feet to a point on the South line of the North 60.00 feet of said Northeast Quarter; thence South 88°09'59" West, along the South line of the North 60.00 feet of said Northeast Quarter, a distance of 14.75 feet to the Point of Beginning.

Containing 218 square feet, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

Tract 12: 31565 W. 207th Street

Permanent Roadway Right-of-Way

All of the North 20.00 feet of Lot 2, HI-ACRES SUBDIVISION, a subdivision of record situate in Johnson County, Kansas.

Containing 6,600 square feet or 0.15 acres, more or less.

Permanent Drainage Easement

All that part of Lot 2, HI-ACRES SUBDIVISION, a subdivision of record situate in Johnson County, Kansas, being described as follows:

Commencing at the West end of the Northernmost line of said Lot 2; thence South 01°50'01" East, along West line of said Lot 2, a distance of 20.00 feet to a point on the South line of the North 20.00 feet thereof; thence North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 2, a distance of 6.08 feet to the Point of Beginning; thence continuing North 88°09'59" East, along the South line of the North 20.00 feet of said Lot 2, a distance of 15.11 feet; thence South 08°35'36" East, departing the South line of the North 20.00 feet of said Lot 2, a distance of 19.97 feet; thence South 81°24'24" West a distance of 15.00 feet; thence North 08°35'36" West a distance of 21.75 feet to the Point of Beginning.

Containing 313 square feet, more or less.

The bearings used in this description are based on the record plat of LOGISTICS PARK KANSAS CITY SOUTH, FIRST PLAT.

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 18th of October, 2018.

(Seal)

ATTEST:



Donald Roberts, Mayor

Rachel A. James, City Clerk

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney