

ORDINANCE NO. 2017

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS AND ROAD RIGHT-OF-WAY NEEDED FOR CONSTRUCTING 207TH EAST OF WAVERLY 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 207th Street East of 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. 07-11-19D (adopted by the Governing Body of the City of Edgerton, Kansas on July 11, 2019), 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 207th Street East of 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 207th Street East of Waverly Road all as described in Section 1 of this Ordinance, the land hereinafter described:

Bottoms Property: 30485 W 207th Street

Permanent Roadway Right-of-Way

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 70.25 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 25.00 feet, to a point on the south line right-of-way line of 207th Street, as it now exists, said point also being the POINT OF BEGINNING; thence along said South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 2614.38 feet, to a point on the East line of said Northwest quarter; thence along said East line, South 01°43'08" East a distance of 25.00 feet; thence departing said East line and parallel with the said North line and parallel to said South right-of-way line, South 88°29'08" West a distance of 2649.93 feet; thence North 53°18'11" East a distance of 43.39 feet to the POINT OF BEGINNING, containing 65804 square feet, or 1.511 acres, more or less.

Temporary Construction Easement

TRACT 1

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 400.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 300.00 feet; thence departing said proposed South right-of-way line and perpendicular to said line, South 01°30'52" East a distance of 15.00 feet; thence parallel to said proposed South right-of-way line, South 88°29'08" West a distance of 250.00 feet; thence perpendicular to said proposed South right-of-way line, South 01°30'52" East a distance of 30.00 feet; thence parallel to said proposed South right-of-way line, South 88°29'08" West a distance of 50.00 feet; thence perpendicular to said proposed South right-of-way line, North 01°30'52" West a distance of 45.00 feet to the POINT OF BEGINNING, containing 6000 square feet, or 0.138 acres, more or less.

AND

TRACT 2

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 1630.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line North 88°29'08"

East, a distance of 149.86 feet; thence departing said proposed South right-of-way line, South 66°05'49" West a distance of 367.56 feet; thence North 28°29'43" West a distance of 33.67 feet; thence North 60°18'07" East a distance of 232.89 feet to the POINT OF BEGINNING; less that part taken as permanent drainage easement, containing 13210 square feet, or 0.303 acres, more or less.

Drainage Easement

All that part of the Northwest Quarter of Section 14, Township 15 South, Range 22 East, of the 6th Principal Meridian, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of said Northwest Quarter; thence along the North line of said Northwest Quarter, North 88°29'08" East, a distance of 1630.00 feet; thence departing said North line and perpendicular to said North line, South 01°30'52" East a distance of 50.00 feet, to a point on the proposed South right-of-way line of 207th Street said point also being the POINT OF BEGINNING; thence along said proposed South right-of-way line and parallel with said North line, North 88°29'08" East a distance of 60.00 feet; thence departing said proposed South right-of-way line and perpendicular to said proposed South right-of-way line, South 01°30'52" East a distance of 20.00 feet; thence parallel with said proposed South right-of-way line, South 88°29'08" West a distance of 60.00 feet; thence perpendicular to said proposed South right-of-way line, North 01°30'52" West a distance of 20.00 feet to the POINT OF BEGINNING, containing 1200 square feet, or 0.028 acres, more or less.

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

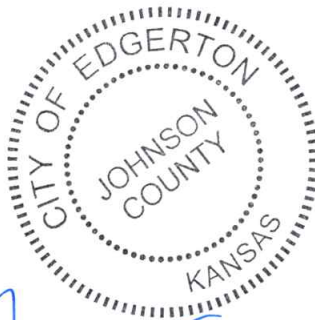
PASSED by the Governing Body of the City of Edgerton, Kansas, and approved by the Mayor on the 8th of August, 2019.

(Seal)

ATTEST:



Rachel A. James, City Clerk





Donald Roberts, Mayor

APPROVED AS TO FORM:



Lee W. Hendricks, City Attorney