

ORDINANCE NO. 24-14

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE 167TH STREET AND RIDGEVIEW ROAD GEOMETRIC IMPROVEMENTS PROJECT, PN 3-C-018-22, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 24-1020, PASSED AND APPROVED BY THE GOVERNING BODY ON MAY 21, 2024.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The description and survey of lands necessary to acquire permanent road right-of-way, permanent drainage easements, crossing access easements, and temporary construction easements for widening, constructing, reconstructing and maintaining the 167th Street and Ridgeview Road Geometric Improvements Project, PN 3-C-018-22, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 24-1020, adopted by the Governing Body of the City of Olathe, Kansas, on May 21, 2024, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring permanent road right-of-way, permanent drainage easements, crossing access easements, and temporary construction easements for widening, constructing, reconstructing and maintaining the 167th Street and Ridgeview Road Geometric Improvements Project, PN 3-C-018-22, has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of permanent road right-of-way, permanent drainage easements, crossing access easements, and temporary construction easements for the widening, constructing, reconstructing and maintaining the 167th Street and Ridgeview Road Geometric Improvements Project, PN 3-C-018-22, is all in accordance with and under the provisions of Chapter 26 of the Kansas Statutes Annotated.

SECTION FOUR: That there is hereby declared to be public necessity to acquire by Eminent Domain Proceedings for the purpose of widening, constructing, reconstructing and maintaining the 167th Street and Ridgeview Road Geometric Improvements Project, PN 3-C-018-22, the land hereinafter described:

167TH STREET AND RIDGEVIEW ROAD GEOMETRIC IMPROVEMENTS PROJECT,
PN 3-C-018-22 – TRACT 3

OWNERSHIP: Richard A. Kundiger, a married person

PARTIES IN POSSESSION: Richard A. Kundiger & Somkhid Kundiger

SITUS ADDRESS: 16880 S. Ridgeview Road
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: 6F231424-3010

LIENHOLDER: Arvest Bank

EASEMENT HOLDER: Kansas City Power & Light Company
n/k/a Evergy, Inc.

All other public or utility easement
holders of record

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

Beginning at the Northeast corner of the NE¼ of Section 24, T14S, R23E of the Sixth Principal Meridian, Johnson County, Kansas; thence S 02°03'15" E, along the East line of said NE¼, a distance of 495.00 feet to a point on the North line of the South 165 feet of the North 660 feet of said NE¼; thence S 87°53'42" W, along said North line, a distance of 20.00 feet to a point on the West right-of-way line of Ridgeview Road, as now established, said point also being the TRUE POINT OF BEGINNING; thence S 02°03'15" E, along said West right-of-way line and parallel with the East line of said NE¼, a distance of 82.50 feet to a point on the South line of the North 82.5 feet of the South 165 feet of the North 660 feet of said NE¼; thence S 87°53'42" W, along said South line, a distance of 40.00 feet; thence N 02°03'15" W, parallel with the East line of said NE¼, a distance of 82.50 feet to a point on the North line of the South 165 feet of the North 660 feet of said NE¼; thence N 87°53'42" E, along said North line, a distance of 40.00 feet to the TRUE POINT OF BEGINNING.

SECTION FIVE: The City Attorney for the City of Olathe, Kansas, is hereby directed, authorized and instructed to make proper application to a Judge of the District Court of Johnson County, Kansas, for the acquisition of permanent road right-of-way, permanent drainage easements, crossing access easements, and temporary construction easements for the widening, constructing, reconstructing and maintaining the 167th Street and Ridgeview Road Geometric Improvements Project, PN 3-C-018-22, praying for condemnation thereof and the appointment of three disinterested residents of the county to assess, determine the damages and compensation resulting from such condemnation and for such other proceedings as may be required by law.

SECTION SIX: 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 this 21st day of May, 2024.

SIGNED by the Mayor this 21st day of May, 2024.

John W. Bacon
Mayor

ATTEST:

Brenda D. Swearingian
City Clerk

(SEAL)

APPROVED AS TO FORM:

Ronald R. Shaver
City Attorney

Publish one time and return one Proof of Publication to the City Clerk, one to Public Works, and one to the City Attorney.