

ORDINANCE NO. 19-68

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE MAHAFFIE CIRCLE IMPROVEMENTS PROJECT, PN 3-C-107-17, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 19-1061, PASSED AND APPROVED BY THE GOVERNING BODY ON OCTOBER 15, 2019.

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

SECTION ONE: The description and survey of lands necessary to acquire street right-of-way and permanent drainage easements for widening, constructing, reconstructing and maintaining the Mahaffie Circle Improvements Project, PN 3-C-107-17 as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1061, adopted by the Governing Body of the City of Olathe, Kansas, on October 15, 2019, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring street right-of-way and permanent drainage easements for widening, constructing, reconstructing and maintaining the Mahaffie Circle Improvements Project, PN 3-C-107-17 has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of street right-of-way and permanent drainage easements for the widening, constructing, reconstructing and maintaining the Mahaffie Circle Improvements Project, PN 3-C-107-17 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 Mahaffie Circle Improvements Project, PN 3-C-107-17 the land hereinafter described:

MAHAFFIE CIRCLE IMPROVEMENTS PROJECT – TRACT NO. 2

OWNERSHIP: Theresa S. Troll n/k/a Theresa E. Smithart, a single person

PARTIES IN POSSESSION: Theresa S. Troll

SITUS ADDRESS: 1105 E. Sleepy Hollow Dr.
Olathe, Kansas 66062

JOHNSON COUNTY PARCEL ID NUMBER: DP47100000 0040

LIENHOLDER: BOKF NA DBA Bank of Kansas City

EASEMENT HOLDER: City of Olathe and All Public Utility Companies

Kansas & Neosho Valley Railroad Company

PUBLIC STREET DEDICATION DESCRIPTION:

All that part of Lot 40 of MISSION RIDGE III, a subdivision in the City of Olathe, filed in Book 47, at Page 47 in the Johnson County Register of Deeds Office, lying in the Northeast Quarter of Section 1, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

BEGINNING at the Southwest corner of said Northeast Quarter, also the Southwesterly corner of said Lot 40; thence North 01°59'27" West along the West line of said Northeast Quarter, also the Southwesterly property line of said Lot 40, a distance of 22.29 feet to a point on the Northwesterly property line of said Lot 40, also the Southerly right-of-way line of I-35; thence North 42°56'50" East along said Northwesterly property line and Southerly right-of-way, a distance of 88.72 feet; thence North 74°41'29" East along the Northerly property line of said Lot 40, a distance of 56.56 feet; thence South 08°01'41" West, a distance of 98.16 feet to a point on the South line of said Lot 40, also the South line of said Northeast Quarter; thence South 87°10'50" West along said South line, a distance of 100.64 feet to the Point of Beginning.

The above described parcel contains 7,483 square feet or 0.172 acres, more or less.

MAHAFFIE CIRCLE IMPROVEMENTS PROJECT – TRACT NO. 3

OWNERSHIP: Robert G. Ernst and Linda S. Ernst,
husband and wife

PARTIES IN POSSESSION: Robert G. Ernst and Linda S. Ernst

SITUS ADDRESS: 1102 E. Sleepy Hollow Dr.
Olathe, Kansas 66062

JOHNSON COUNTY PARCEL ID NUMBER: DP47100000 0041

LIENHOLDER: Wells Fargo Bank, N.A.

EASEMENT HOLDER: City of Olathe and All Public Utility
Companies

PUBLIC STREET DEDICATION DESCRIPTION:

All that part of Lot 41 of MISSION RIDGE III, a subdivision in the City of Olathe, filed in Book 47, at Page 47 in the Johnson County Register of Deeds Office, lying in the Northeast Quarter of Section I, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

BEGINNING at the Southwesterly corner of said Lot 41, also a point on the Southerly right-of-way line of 1-35; thence North 42°56'50" East along the Northwesterly property line and Southerly right-of-way, a distance of 45.72 feet; thence Southerly along a curve to the right, having an Initial Tangent Bearing of South 04°17'29" West, a radius of 830.00 feet and an arc distance of 25.68 feet, to a point on the Southerly property line of said Lot 41; thence South 74°41'29" West, a distance of 29.90 feet to the Point of Beginning.

The above described parcel contains 361 square feet or 0.008 acres, more or less.

PERMANENT DRAINAGE EASEMENT DESCRIPTION:

All that part of Lot 41 of MISSION RIDGE III, a subdivision in the City of Olathe, filed in Book 47, at Page 47 in the Johnson County Register of Deeds Office, lying in the Northeast Quarter of Section I, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Commencing at the Southwesterly corner of said Lot 41, also a point on the Southerly right-of-way line of I-35; thence North 42°56'50" East along the Northwesterly property line and Southerly right-of-way, a distance of 45.72 feet, to the true Point of Beginning; thence

Attachment B

continuing North $42^{\circ}56'50''$ East along said Northwesterly property line and Southerly right-of-way, a distance of 24.04 feet; thence South $10^{\circ}59'51''$ East, a distance of 36.81 feet, to a point on the Southerly property line of said Lot 41; thence South $74^{\circ}41'29''$ West along said Southerly property line, a distance of 26.67 feet; thence Northerly along a curve to the left, having an Initial Tangent Bearing of South $06^{\circ}03'51''$ West, a radius of 830.00 feet and an arc distance of 25.68 feet, to the Point of Beginning.

The above described parcel contains 677 square feet or 0.016 acres, more or less.

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 street right-of-way and permanent drainage easements for the widening, constructing, reconstructing and maintaining the Mahaffie Circle Improvements Project 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 5th day of November, 2019.

SIGNED by the Mayor this 5th day of November, 2019.

Michael E. Copeland
Mayor

ATTEST:

Emily K. Vincent
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.