

## **ORDINANCE NO. 24-19**

**AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE SOUTH HAMILTON CIRCLE IMPROVEMENT PROJECT, PN 3-R-001-24, AND SOUTH HAMILTON WATERLINE REHABILITATION PROJECT, PN 5-R-001-24, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 24-1022, PASSED AND APPROVED BY THE GOVERNING BODY ON JUNE 4, 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 waterline easements and temporary construction easements for constructing, reconstructing, and maintaining the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 24-1022, 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 waterline easements and temporary construction easements for constructing, reconstructing, and maintaining the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24, has been declared necessary by the Governing Body.

**SECTION THREE:** The acquisition of permanent waterline easements and temporary construction easements for constructing, reconstructing, and maintaining the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24, 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 constructing, reconstructing, and maintaining the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24, the land hereinafter described:

**South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton  
Waterline Rehabilitation Project, PN 5-R-001-24 – TRACT 11**

**OWNERSHIP:** Micromont Holdings 5, LLC, a Texas limited liability company

**PARTIES IN POSSESSION:** Micromont Holdings 5, LLC, a Texas limited liability company

**SITUS ADDRESS:** 1560 S. Hamilton Circle  
Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP1670000A 0002A

**LIENHOLDER:** LegacyTexas Bank

**EASEMENT HOLDER:** City of Olathe, Kansas

Star Fuel Centers, Inc., a Kansas corporation

7-Eleven, Inc., a Texas corporation

All other public or utility easement holders of record

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:**

Commencing at the Northerly most corner of said Lot 2; thence South 44°35'20" West on the Northwesterly line of said Lot 2, a distance of 25.93 feet; thence in a southwesterly direction, continuing on said Northwesterly line, along a curve to the right, having a radius of 500.00 feet, a central angle of 04°26'13", an arc length of 38.72 feet to the Point of Beginning; thence continuing in a southwesterly direction, on the Northwesterly line of said Lot 2, along a continuation of said curve to the right having a radius of 500.00 feet, a central angle of 18°34'11", an arc length of 162.05 feet, to the Westerly most corner of said Lot 2 thence South 30°09'22" East, on the Southwest line of said Lot 2, a distance of 10.09 feet, to a point on the Southeasterly line of the Northwesterly 10.00 feet of said Lot 2; thence in a northeasterly direction, on said Southeasterly line, along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 67°26'34" East, a radius of 510.00 feet, a central angle of 11°15'09", an arc length of 100.16 feet; thence South 33°48'36" East a distance of 10.00 feet, to a point on the Southeasterly line of the Northwesterly 20.00 feet of said Lot 2; thence in a northeasterly direction, on said Southeasterly line, along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 56°11'24" East, a radius of 520.00 feet, a central angle of 05°45'48", an arc

length of 52.31 feet; thence South 64°52'31" East a distance of 17.64 feet; thence South 34°05'42" East a distance of 26.23 feet; thence South 55°54'18" West a distance of 4.00 feet; thence South 34°05'42" East a distance of 71.53 feet; thence North 55°54'18" East a distance of 4.00 feet; thence North 85°24'56" East a distance of 22.98 feet; thence South 79°05'42" East a distance of 2.83 feet; thence North 34°05'42" West a distance of 107.44 feet; thence North 61°32'26" West a distance of 45.09 feet; to the Point of Beginning.

Except all that that portion of afore described tract of land lying within a tract of land being 20.00 feet wide, 10.00 feet lying on each side of the following described centerline: Commencing at the most Northerly corner of said Lot 2; thence Southwesterly along the Northwesternly line of said Lot 2, the following Two (2) described courses: One (1) South 44°35'20" West a distance of 25.93 feet; Two (2) in a southwesterly direction along a curve to the right having a radius of 500.00 feet, a central angle of 03°25'20", an arc length of 29.86 feet; thence South 34°05'42" East, departing said Northwesternly line a distance of 20.18 feet to a point on the Southeasterly line of the Northwesternly 20.00 feet of said Lot 2, said point being the Point of Beginning of said 20.00 feet wide tract of land; thence continuing South 34°05'42" East a distance of 130.55 feet to the Point of Terminus.

Containing 2,924 square feet, more or less.

### **PERMANENT WATERLINE EASEMENT DESCRIPTION**

All that part of Lot 2, Block A, DEERFIELD PARK, a subdivision in the City of Olathe, Johnson County, Kansas, being a tract of land 20.00 feet wide, 10.00 feet lying on each side of the following centerline as described by J. Aubrey Meyer, PLS 1579, on December 6, 2023: Commencing at the most Northerly corner of said Lot 2; thence Southwesterly along the Northwesternly line of said Lot 2, the following Two (2) described courses: One (1) South 44°35'20" West a distance of 25.93 feet; Two (2) in a southwesterly direction along a curve to the right having a radius of 500.00 feet, a central angle of 03°25'20", an arc length of 29.86 feet; thence South 34°05'42" East, departing said Northwesternly line, a distance of 15.14, feet to a point on the Southeasterly line of the Northwesternly 15.00 feet of said Lot 2, said point being on the Southeasterly line of a 15.00 feet wide platted utility easement according to the record plat thereof, said point also being the Point of Beginning of said 20.00 feet wide tract of land; thence continuing South 34°05'42" East a distance of 135.59 feet; thence South 79°05'42" East a distance of 32.94 feet; thence North 57°38'59" East a distance of 68.86 feet to a point on the Northeasterly line of said Lot 2, said point bearing South 45°24'40" East a distance of 189.89 feet from said most Northerly corner of said Lot 2, said point being the Point of Terminus.

The limits of said 20.00 feet wide tract of land shall be extended or truncated to terminate at the Southeasterly line of said 15.00 feet wide platted utility easement, and also at the Southwesterly line of Tract 2 as described in a Special Warranty Deed, being recorded in Book 201901, at Page 002727, as follows: Beginning at the most Northerly corner of said Lot 2; thence South 45°24'40" East, along the Northwesternly line of said Lot 2, a distance of 218.78 feet, to the most Easterly corner thereof; thence South 57°34' 27" West, along the Southeasterly line of said Lot 2, a distance of 51.70 feet; thence North 32° 25' 33" West, a distance of 36 feet; thence South 57°34'27" West, a distance of 33.10 feet; thence North 30 ° 08' 24" West, a distance of 106.90

feet; thence North 61 ° 32' 26" West, a distance of 65.60 feet, to a point on the Northwesterly line of said Lot 2 and 64.65 feet Southwesterly of the most Northerly corner thereof, as measured along said Northwesterly line; thence Northeasterly, along the Northwesterly line of said Lot 2, a distance of 64.65 feet, to the Point of Beginning.

**South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton  
Waterline Rehabilitation Project, PN 5-R-001-24 – TRACT 12**

<b>OWNERSHIP:</b>	7-Eleven, Inc., a Texas corporation
<b>PARTIES IN POSSESSION:</b>	7-Eleven, Inc., a Texas corporation
<b>SITUS ADDRESS:</b>	None
<b>JOHNSON COUNTY PARCEL ID NUMBER:</b>	DP1670000A 0002
<b>LIENHOLDER:</b>	None
<b>EASEMENT HOLDER:</b>	City of Olathe, Kansas
	Star Fuel Centers, Inc., a Kansas corporation
	Micromont Holdings 5, LLC, a Texas limited liability company
	CAT Scale Company
	The Huntington Leasing Company, an Ohio Corporation
	Bujodon Investments, a Kansas partnership
	Annen "N" Annen, a Missouri general partnership
	All other public or utility easement holders of record or parties in possession

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:**

All that part of Lot 2, Block A, DEERFIELD PARK, a subdivision of record in the City of Olathe, Johnson County, Kansas, being described by J. Aubrey Meyer, PLS 1579, on December 6, 2023 as follows: Beginning at the Northerly most corner of said Lot 2; thence South 44°35'20" West, on the Northwesterly line of said Lot 2, a distance of 25.93 feet; thence continuing on the

Northwesterly line of said Lot 2, in a southwesterly direction along a curve to the right having a radius of 500.00 feet, a central angle of 04°26'13", an arc length of 38.72 feet; thence South 61°32'26" East, departing said Northwesterly line, a distance of 21.30 feet; thence in a northeasterly direction along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of North 48°12'04" East, a radius of 520.00 feet, a central angle of 00°59'52", an arc length of 9.06 feet; thence South 34°05'42" East a distance of 18.55 feet; thence South 61°32'26" East a distance of 4.34 feet; thence North 34°05'42" West a distance of 22.71 feet; thence North 44°21'20" East a distance of 47.63 feet; thence North 45°24'40" West a distance of 19.35 feet; to the Point of Beginning.

Containing 1,252 square feet, more or less.

### **PERMANENT WATERLINE EASEMENT DESCRIPTION**

All that part of Tract 2 as described in a Special Warranty Deed, being recorded in Book 201901, at Page 002727, being part of Lot 2, Block A, DEERFIELD PARK, a subdivision in the City of Olathe, Johnson County, Kansas, and being a tract of land 20.00 feet wide, 10.00 feet lying on each side of the following centerline, as described by J. Aubrey Meyer, PLS 1579, on December 6, 2023: Commencing at the most Northerly corner of said Lot 2; thence Westerly along the Northwesterly line of said Lot 2 the following Two (2) described courses: One (1) South 44°35'20" West a distance of 25.93 feet; Two (2) in a southwesterly direction along a curve to the right having a radius of 500.00 feet, a central angle of 03°25'20", an arc length of 29.86 feet; thence South 34°05'42" East, departing said Northwesterly line a distance of 15.14 feet to a point on the Southeasterly line of the Northwesterly 15.00 feet of said Lot 2, said point being on the Southeasterly line of a 15.00 feet wide platted utility easement according to the record plat thereof, said point also being the Point of Beginning of said 20.00 feet wide tract of land; thence continuing South 34°05'42" East a distance of 135.59 feet; thence South 79°05'42" East a distance of 32.94 feet; thence North 57°38'59" East a distance of 68.86 feet to a point on the Northeasterly line of said Lot 2, said point bearing South 45°24'40" East a distance of 188.89 feet from said most Northerly corner thereof, said point being the Point of Terminus.

The limits of said 20.00 feet wide tract of land shall be extended or truncated to terminate at the Southeasterly line of said 15.00 feet wide platted utility easement, and also at the Southwesterly line of said Tract 2 as described in a Special Warranty Deed, being recorded in Book 201901, at Page 002727, as follows: Beginning at the most Northerly corner of said Lot 2; thence South 45°24'40" East, along the Northwesterly line of said Lot 2, a distance of 218.78 feet, to the most Easterly corner thereof; thence South 57°34' 27" West, along the Southeasterly line of said Lot 2, a distance of 51.70 feet; thence North 32° 25' 33" West, a distance of 36 feet; thence South 57°34'27" West, a distance of 33.10 feet; thence North 30 ° 08' 24" West, a distance of 106.90 feet; thence North 61 ° 32' 26" West, a distance of 65.60 feet, to a point on the Northwesterly line of said Lot 2 and 64.65 feet Southwesterly of the most Northerly corner thereof, as measured along said Northwesterly line; thence Northeasterly, along the Northwesterly line of said Lot 2, a distance of 64.65 feet, to the Point of Beginning.

Containing 1,422 square feet, more or less.

**South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton  
Waterline Rehabilitation Project, PN 5-R-001-24 – TRACT 13**

<b>OWNERSHIP:</b>	7-Eleven, Inc., a Texas corporation
<b>PARTIES IN POSSESSION:</b>	7-Eleven, Inc., a Texas corporation
<b>SITUS ADDRESS:</b>	1550 S. Hamilton Circle Olathe, KS 66061
<b>JOHNSON COUNTY PARCEL ID NUMBER:</b>	DP1670000A 0003
<b>LIENHOLDER:</b>	None
<b>EASEMENT HOLDER:</b>	City of Olathe, Kansas  Star Fuel Centers, Inc., a Kansas corporation  Micromont Holdings 5, LLC, a Texas limited liability company  CAT Scale Company  The Huntington Leasing Company, an Ohio Corporation  Bujodon Investments, a Kansas partnership  Annen "N" Annen, a Missouri general partnership  All other public or utility easement holders of record or parties in possession

**PERMANENT WATERLINE EASEMENT DESCRIPTION**

All that part of Lot 3, Block A, DEERFIELD PARK, a subdivision in the City of Olathe, Johnson County, Kansas, being a tract of land 20.00 feet wide, 10.00 feet lying on each side of the following centerline as described by J. Aubrey Meyer, PLS 1579, on December 6, 2023: Commencing at the most Westerly corner of said Lot 3; thence South 45°24'40" East, along the Southwest line of said Lot 3, a distance of 189.89 feet; to the Point of Beginning of said 20.00 feet wide tract of land; thence North 57°38'59" East a distance of 48.34 feet to a point on the centerline of an existing 20.00 feet wide Waterline Easement granted to the City of Olathe,

being recorded at the Johnson County Register of Deeds Office, in Book 1953, at Page 274; Thence North 89°18'53" East, along said centerline, a distance of 34.39 feet to a point on the Northwest line of a 15.00 feet wide utility easement lying Northwest of and adjoining the Southeast line of said Lot 3, according to the record plat thereof, said point being the Point of Terminus.

The limits of said 20.00 feet wide tract of land shall be extended or truncated to terminate at the Southwesterly line of said Lot 3, and the Northwesterly line of said 15.00 feet wide utility easement.

Containing 1,654 square feet, more or less.

**South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24 – TRACT 14**

<b>OWNERSHIP:</b>	7-Eleven, Inc., a Texas corporation
<b>PARTIES IN POSSESSION:</b>	7-Eleven, Inc., a Texas corporation
<b>SITUS ADDRESS:</b>	None
<b>JOHNSON COUNTY PARCEL ID NUMBER:</b>	DP1670000A 0004
<b>LIENHOLDER:</b>	None
<b>EASEMENT HOLDER:</b>	City of Olathe, Kansas
	Star Fuel Centers, Inc., a Kansas corporation
	Micromont Holdings 5, LLC, a Texas limited liability company
	CAT Scale Company
	The Huntington Leasing Company, an Ohio Corporation
	Bujodon Investments, a Kansas partnership
	Annen "N" Annen, a Missouri general partnership
	All other public or utility easement holders of record or parties in possession

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:**

All the Northwest 15.00 feet of Lot 4, except all the Southwest 75.00 feet thereof, Block A, DEERFIELD PARK, a subdivision in the City of Olathe, Johnson County, Kansas.

Containing 1,684 square feet, more or less.

**South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24 – TRACT 15**

<b>OWNERSHIP:</b>	7-Eleven, Inc., a Texas corporation
<b>PARTIES IN POSSESSION:</b>	7-Eleven, Inc., a Texas corporation
<b>SITUS ADDRESS:</b>	None
<b>JOHNSON COUNTY PARCEL ID NUMBER:</b>	DP1670000A 0005A
<b>LIENHOLDER:</b>	None
<b>EASEMENT HOLDER:</b>	City of Olathe, Kansas
	Star Fuel Centers, Inc., a Kansas corporation
	Micromont Holdings 5, LLC, a Texas limited liability company
	CAT Scale Company
	The Huntington Leasing Company, an Ohio Corporation
	Bujodon Investments, a Kansas partnership
	Annen "N" Annen, a Missouri general partnership
	All other public or utility easement holders of record or parties in possession



**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:**

All the Northwest 15.00 feet of Lot 5, except all the North 70.00 feet thereof, Block A, DEERFIELD PARK, a subdivision in the City of Olathe, Johnson County, Kansas.

Containing 1,122 square feet, 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 permanent waterline easements and temporary construction easements for constructing, reconstructing, and maintaining the South Hamilton Circle Improvement Project, PN 3-R-001-24, and South Hamilton Waterline Rehabilitation Project, PN 5-R-001-24, 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 4th day of June, 2024.

**SIGNED** by the Mayor this 4th day of June, 2024.

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John W. Bacon  
Mayor

ATTEST:

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Brenda D. Swearingian  
City Clerk

(SEAL)

APPROVED AS TO FORM:

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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.