

**ORDINANCE NO. 19-16**

**AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE 119<sup>TH</sup> AND PFLUMM GEOMETRIC IMPROVEMENTS PROJECT, PN 3-C-071-18, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 19-1030, PASSED AND APPROVED BY THE GOVERNING BODY ON APRIL 16, 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 permanent road right-of-way and temporary construction easements for widening, constructing, reconstructing and maintaining the 119<sup>th</sup> and Pflumm Geometric Improvements Project as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1030, adopted by the Governing Body of the City of Olathe, Kansas, on April 16, 2019, is hereby approved.

**SECTION TWO:** The action of the Governing Body of the City of Olathe, Kansas, in acquiring permanent road right-of-way and temporary construction easements for widening, constructing, reconstructing and maintaining the 119<sup>th</sup> and Pflumm Geometric Improvements Project has been declared necessary by the Governing Body.

**SECTION THREE:** The acquisition of permanent road right-of-way and temporary construction easements for the widening, constructing, reconstructing and maintaining the 119<sup>th</sup> and Pflumm Geometric Improvements Project 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 119<sup>th</sup> and Pflumm Geometric Improvements Project the land hereinafter described:

**OWNERSHIP:** DD Pflumm 27.25, LLC, a Georgia Limited Liability Company

**PARTIES IN POSSESSION:** DD Pflumm 27.25, LLC

**SITUS ADDRESS:** 12100 S. Pflumm Road  
Olathe, KS 66062

**JOHNSON COUNTY PARCEL ID NUMBER:** DP16480000 0001

**LIENHOLDER:** BOKF, NA, a national banking association, d/b/a Bank of Texas

**EASEMENT HOLDER:** Great Lakes Pipe Line Company  
a/k/a Williams Pipe Line Company, LLC n/k/a Magellan Midstream Partners, L.P.  
Kansas City Power & Light Company Union Gas System, Inc. n/k/a Atmos Energy Corporation  
United Cities Gas Company, Inc. n/k/a Atmos Energy Corporation  
Kansas Pipeline Company, L.P. n/k/a Bishop Pipeline Company  
Williams Communications, Inc.  
Joint Sewer District No. 3 of Indian Creek Middle Basin Sewer Sub-District MC a/k/a Johnson County Wastewater  
Consolidated Main Sewer District of Johnson County, Kansas a/k/a Johnson County Wastewater  
Water District No. 1 of Johnson County a/k/a WaterOne

**PERMANENT RIGHT-OF-WAY DESCRIPTION:**

ALL THAT PART OF LOT 1, DAVIS DEVELOPMENT APARTMENTS OLATHE, A PLATTED SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE S 87°37'12" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 75.32 FEET; THENCE S 2°22'48" E, A DISTANCE OF 75.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 119TH STREET AND THE WEST RIGHT OF WAY LINE OF PFLUMM AS NOW ESTABLISHED, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S 2°07'55" E, ALONG THE SAID WEST RIGHT OF WAY LINE, AND ALSO ALONG THE EAST LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 14.67 FEET; THENCE N 66°01'08" W, A DISTANCE OF 33.05 FEET, TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE; THENCE N 87°37'12" E, ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 29.68 FEET TO THE POINT OF BEGINNING, CONTAINING 218 SQUARE FEET, MORE OR LESS.

Total Permanent Right-of-Way Area: 218 square feet, more or less

**TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:**

ALL THAT PART OF LOT 1, DAVIS DEVELOPMENT APARTMENTS OLATHE, A PLATTED SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE S 87°37'12" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 255.00 FEET; THENCE S 2°22'48" E, A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 119TH STREET AS NOW ESTABLISHED, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 2°22'48" E, A DISTANCE OF 10.00 FEET; THENCE S 87°37'12" W, A DISTANCE OF 105.21 FEET; THENCE N 89°59'38" W, A DISTANCE OF 139.91 FEET; THENCE N 2°22'48" W, A DISTANCE OF 10.01 FEET, TO A POINT ON SAID SOUTH RIGHT OF WAY LINE, AND THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, THENCE S 89°59'38" E, ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF

LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 140.12 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, N 87°37'12" E, A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,451 SQUARE FEET, MORE OR LESS.

Total Temporary Construction Easement Area: 2,451 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 road right-of-way/street and temporary construction easements for the widening, constructing, reconstructing and maintaining the 119<sup>th</sup> and Pflumm Geometric 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 7th day of May, 2019.

**SIGNED** by the Mayor this 7th day of May, 2019.

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Michael E. Copeland  
Mayor

ATTEST:

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Emily K. Vincent  
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.