

ORDINANCE NO. 19-17

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT, PN 3-C-084-17, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 19-1035, PASSED AND APPROVED BY THE GOVERNING BODY ON MAY 7, 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, permanent drainage easements, crossing access easements, and temporary construction easements for widening, constructing, reconstructing and maintaining the Lone Elm Road, Old 56 Hwy to 151st Street, Improvements Project as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1035, adopted by the Governing Body of the City of Olathe, Kansas, on May 7, 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, permanent drainage easements, crossing access easements, and temporary construction easements for widening, constructing, reconstructing and maintaining the Lone Elm Road, Old 56 Hwy to 151st Street, Improvements Project 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 Lone Elm Road, Old 56 Hwy to 151st Street, 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 Lone Elm Road, Old 56 Hwy to 151st Street, Improvements Project the land hereinafter described:

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 2

OWNERSHIP: Olathe Medical Center, Inc., a Kansas
Not-for Profit Corporation

PARTIES IN POSSESSION: Olathe Medical Center, Inc.

SITUS ADDRESS: 1660 S. Lone Elm Road
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP41300000 0018A

LIENHOLDER: None

EASEMENT HOLDER: City of Olathe and All Public Utility
Companies (Utility Easement –
Plat)
Federal Farm Mortgage Corporation
Kansas City Power & Light Company
Southwestern Bell Telephone Company
n/k/a AT&T Corp.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 18, Lone Elm Industrial Park, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the northeast corner of said Lot 18; thence S02°04'27"E, along the east line thereof, 24.39 feet; thence departing said east line, S87°55'33"W, 15.00 feet to the west line of a platted 15' utility easement and the Point of Beginning; thence S02°04'27"E, along said easement line, 57.58 feet; thence departing said easement line, S87°55'33"W, 15.00 feet; thence N02°04'27"W, 50.00 feet to the south line of a platted 15' drainage easement; thence N61°06'54"E, along said easement line, 16.81 feet to the Point of Beginning.

Containing in all 807 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 807 square feet,
more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 3

OWNERSHIP: Ambrose, L.L.C., a Kansas Limited Liability Company

PARTIES IN POSSESSION: Ambrose Packaging

SITUS ADDRESS: 1650 S. Lone Elm Road
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP41300000 0017

LIENHOLDER: Bank of Blue Valley

EASEMENT HOLDER: City of Olathe and All Public Utility Companies (Utility Easement – Plat)
Kansas City Power & Light Company

PERMANENT DRAINAGE EASEMENT DESCRIPTION:

All that part of Lot 17, Lone Elm Industrial Park, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Lot 17; thence N02°04'27"W, along the east line thereof, 9.23 feet; thence departing said east line, S87°55'33"W, 15.00 feet to the north line of a platted 15' drainage easement and the Point of Beginning; thence S61°06'54"W, along said easement line, 28.01 feet; thence departing said easement line, N02°04'27"W, 48.98 feet; thence N87°55'33"E, 25.00 feet to the west line of an existing 15' drainage easement; thence S02°04'27"E, along the west line of said easement, 36.35 feet to the Point of Beginning.

Containing in all 1,067 square feet, more or less.

TOTAL PERMANENT DRAINAGE EASEMENT AREA: 1,067 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 17, Lone Elm Industrial Park, 2nd Plat, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Lot 17; thence N02°04'27"W, along the east line thereof, 75.45 feet to the Point of Beginning; thence departing said east line, S88°09'45"W, 10.00 feet; thence N02°04'27"W, 221.88 feet; thence S87°55'33"W, 15.00 feet; thence N02°04'27"W, 94.30 feet to the north line of said Lot 17; thence N82°03'17"E, along said north line, 25.13 feet to the northeast corner of said Lot 17; thence S02°04'27"E, along the east line of said Lot 17, 318.79 feet to the Point of Beginning.

Containing in all 4,609 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4,609 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 4

OWNERSHIP: JoAnn McAnany, Trustee of the JoAnn McAnany Trust dated April 10, 1990 and Successor Trustee of the Louis S. McAnany Trust dated April 10, 1990

PARTIES IN POSSESSION: McAnany Oil Company, Inc.

SITUS ADDRESS: 1125 W. 149th Street
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP41310000 0001

LIENHOLDER: UMB Bank, N.A.

EASEMENT HOLDER: City of Olathe, Kansas and Other Entities
as May be Authorized by State
Law (Utility Easement – Plat)
Johnson County Water District a/k/a
WaterOne
Johnson County Wastewater District
Heritage Bank of Olathe
Kansas City Power & Light Company

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All of the east five (5) feet of Lot 1, Lone Elm Industrial Park, 3rd Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

Containing in all 1,051 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 1,051 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 5

OWNERSHIP: James Francis Haug and Betty Lou Haug, husband and wife

PARTIES IN POSSESSION: Moehl Millwork, Inc., an Iowa Corporation d/b/a Kansas City Millwork

SITUS ADDRESS: 1120 W. 149th Street
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP41300000 0001

LIENHOLDER: Wells Fargo Bank, National Association
NBKC Bank

EASEMENT HOLDER: City of Olathe and All Public Utility Companies (Plat – Utility Easement and Drainage & Utility Easement)

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 1, Lone Elm Industrial Park, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the southeast corner of said Lot 1; thence S88°09'13"W, along the south line thereof, 35.00 feet; thence departing said south line, N02°04'47"W, 40.00 feet; thence N88°09'13"E, 25.00 feet; thence N02°04'47"W, 220.00 feet to the north line of said Lot 1; thence N88°09'13"E, along said north line, 10.00 feet to the west right of way line of Lone Elm Road; thence S02°04'47"E, along said right of way line, 260.00 feet to the Point of Beginning.

Containing in all 3,600 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 3,600 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 7

OWNERSHIP: BNSF Railway Company, a Delaware Corporation, f/k/a Atchison, Topeka & Santa Fe Railway Company

PARTIES IN POSSESSION: BNSF Railway Company

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DF231403-3020

LIENHOLDER: None

EASEMENT HOLDER: None

CROSSING ACCESS EASEMENT DESCRIPTION:

All that part of the Northeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of the Northeast Quarter of said Section 3; thence N02°04'47"W, along the east line thereof, 358.90 feet to the south right of way line of the BNSF Railway Company (f/k/a Atchison, Topeka and Santa Fe Railway Company) and the Point of Beginning; thence departing said east line, S66°17'13"W, along said right of way line, 48.41 feet; thence departing said right of way line, N02°04'47"W, 53.79 feet; thence N66°17'13"E, 48.41 feet to the east line of the Northeast Quarter of said Section 3; thence S02°04'47"E, along said east line, 53.79 feet to the Point of Beginning.

Containing in all 2,420 square feet, more or less.

TOTAL CROSSING ACCESS EASEMENT AREA: 2,420 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of the Northeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of the Northeast Quarter of said Section 3; thence N02°04'47"W, along the east line thereof, 358.90 feet to the south right of way line of BNSF Railway Company (f/k/a Atchison, Topeka and Santa Fe Railway Company) and the Point of Beginning; thence departing said east line, S66°17'13"W, along said right of way line, 171.22 feet; thence departing said right of way line, N23°42'47"W, 50.00 feet; thence N66°17'13"E, 191.05 feet to the east line of the Northeast Quarter of said Section 3; thence S02°04'47"E, along said east line, 53.79 feet to the Point of Beginning.

Containing in all 9,057 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 9,057 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 8

OWNERSHIP:	BNSF Railway Company, a Delaware Corporation, f/k/a Atchison, Topeka & Santa Fe Railway Company
PARTIES IN POSSESSION:	BNSF Railway Company
SITUS ADDRESS:	None
JOHNSON COUNTY PARCEL ID NUMBER:	DC231403-4001
LIENHOLDER:	None
EASEMENT HOLDER:	None

CROSSING ACCESS EASEMENT DESCRIPTION:

All that part of the Northeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of the Northeast Quarter of said Section 3; thence N02°04'47"W, along the east line thereof, 412.69 feet to the Point of Beginning; thence departing said west line, S66°17'13"W, 48.41 feet; thence N02°04'47"W, 133.50 feet to the north right of way line of the BNSF Railway Company (f/k/a Atchison, Topeka and Santa Fe Railway Company); thence N66°54'03"E, along said right of way line, 48.21 feet to the east line of the Northeast Quarter of said Section 3; thence S02°04'47"E, along said east line, 132.94 feet to the Point of Beginning.

Containing in all 5,995 square feet, more or less.

TOTAL CROSSING ACCESS EASEMENT AREA: 5,995 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of the Northeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of the Northeast Quarter of said Section 3; thence N02°04'47"W, along the east line thereof, 412.69 feet to the Point of Beginning; thence departing said west line, S66°17'13"W, 191.05 feet; thence N23°42'47"W, 18.00 feet; thence N66°17'13"E, 139.02 feet; thence N02°04'47"W, 48.91 feet; thence S66°54'03"W, 53.56 feet; thence N23°05'57"W, 61.00 feet to the north right of way line of the BNSF Railway Company (f/k/a Atchison, Topeka and Santa Fe Railway Company); thence N66°54'03"E, along said right of way line, 135.92 feet to the east line of the Northeast Quarter of said Section 3; thence S02°04'47"E, along said east line, 132.94 feet to the Point of Beginning.

Containing in all 13,751 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 13,751 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 10

OWNERSHIP:	KDAC, LLC, a Kansas Limited Liability Company
PARTIES IN POSSESSION:	KDAC, LLC
SITUS ADDRESS:	1137 W. Pittman Street Olathe, KS 66061
JOHNSON COUNTY PARCEL ID NUMBER:	DP54010000 0001
LIENHOLDER:	Cornerstone Bank
EASEMENT HOLDER:	The Kansas Power & Light Company n/k/a Westar Energy, Inc.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All of the east five (5) feet of Lot 1, Olathe Industrial Tracts Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

Containing in all 1,170 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 1,170 square feet,
more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 10A

OWNERSHIP: KDAC, LLC, a Kansas Limited Liability Company

PARTIES IN POSSESSION: KDAC, LLC

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DP54010000 0T0A

LIENHOLDER: Cornerstone Bank

EASEMENT HOLDER: The Kansas Power & Light Company
n/k/a Westar Energy, Inc.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Tract A, Olathe Industrial Tracts Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the northeast corner of said Tract A, thence S06°57'01"W, along the east line thereof, 142.29 feet; thence departing said east line, N83°02'59"W, 5.00 feet; thence N06°57'01"E, 141.50 feet to the north line of said Tract A; thence N87°55'13"E, along said north line, 5.06 feet to the Point of Beginning.

Containing in all 709 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 709 square feet,
more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 12

OWNERSHIP: Cresticon, Inc., an Ohio Corporation

PARTIES IN POSSESSION: Reliable Caps, LLC

SITUS ADDRESS: 1001 W. Old 56 Highway
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP54000000 0004F

LIENHOLDER: None

EASEMENT HOLDER: Kansas City Power & Light Company
Harlow B. & Lucille E. King, husband and wife, Ernest E. & Helen Bode, husband and wife, and J.W. & Ruth Slaughter, husband and wife
10' Waterline easement – Warranty Deed from 1968 – Bk 642 Pg 369
Olathe Homes, Inc. (10' waterline easement – Warranty Deed from 1968 Bk 642 Pg 371)
Union Gas System, Inc. n/k/a Atmos Energy Corporation
The Secretary of Transportation of the State of Kansas (controlled access highway right of way and all rights of access – eminent domain petition Bk 4760 Pg 707 – 1995; Deed – 4834 Pg 168 – 1996)

PUBLIC STREET DEDICATION DESCRIPTION:

All that part of Lot 4, Olathe Industrial Tracts, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Lot 4; thence S87°52'46"W, along the south line thereof, 25.00 feet to the west right of way line of Lone Elm Road and the Point of Beginning; thence continue S87°52'46"W, along said right of way line, 10.00 feet; thence departing said right of way line, N02°09'21"W, 529.91 feet to the west right of way line of Lone Elm Road; thence S25°56'39"E, along said right

of way line, 24.79 feet; thence S02°09'21"E, along said right of way line, 507.23 feet to the Point of Beginning.

Containing in all 5,186 square feet, more or less.

TOTAL PUBLIC STREET DEDICATION AREA: 5,186 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 4, Olathe Industrial Tracts, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Lot 4; thence S87°52'46"W, along the south line thereof, 35.00 feet to the west right of way line of Lone Elm Road and the Point of Beginning; thence continue S87°52'46"W, along said right of way line, 5.00 feet; thence departing said right of way line, N02°09'21"W, 60.00 feet; thence S87°50'39"W, 15.00 feet; thence N02°09'21"W, 120.00 feet; thence N87°50'39"E, 15.00 feet; thence N02°09'21"W, 285.00 feet; thence N87°50'39"E, 5.00 feet; thence S02°09'21"E, 465.00 feet to the Point of Beginning.

Containing in all 4,125 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4,125 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 13

OWNERSHIP:	CHC, Inc., a Kansas Corporation
PARTIES IN POSSESSION:	Clinical Reference Laboratory HeavyQuip Unknown Tenants
SITUS ADDRESS:	1111 W. Old 56 Highway Olathe, KS 66061
JOHNSON COUNTY PARCEL ID NUMBER:	DP60770000 0002
LIENHOLDER:	None
EASEMENT HOLDER:	Pharos, L.L.C. KA-Comm, Inc. Survey – Water Easement, Access Easement Bk 5214 Pg 947 City of Olathe and all Public Utility Companies (Utility Easement & Drainage Easement – Replat – Bk 73 Pg 16 and Replat of Lot 4 – Bk 70, Pg 17)

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 2, Replat of Woodward Industrial Park, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the northwest corner of said Lot 2; thence easterly, along the north line thereof, on a curve to the right having an initial tangent bearing of N79°29'44"E and a radius of 3719.85 feet, an arc distance of 67.25 feet; thence departing said north line, S02°06'57"E, 20.17 feet; thence westerly, on a curve to the left having an initial tangent bearing of S80°29'29"W and a radius of 3699.85 feet, an arc distance of 52.77 feet to the west line of said Lot 2; thence northwesterly, along said west line, on a curve to the left having an initial tangent bearing of N23°41'04"W and a radius of 40.00 feet, an arc distance of 23.44 feet to the Point of Beginning.

Containing in all 1,174 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 1,174 square feet,
more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 14

OWNERSHIP: Pharos, L.L.C., a Kansas Limited Liability Company

PARTIES IN POSSESSION: Ka-Comm, Inc.

SITUS ADDRESS: 1201 W. Old 56 Highway
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP60770000 0001

LIENHOLDER: The Bank of Tescott – Ohio Branch

EASEMENT HOLDER: CHC, Inc.
Clinical Reference Laboratory
HeavyQuip
City of Olathe and all Public Utility
Companies (Utility Easement &
Drainage Easement – Replat – Bk
73 Pg 16 and Replat of Lot 4 – Bk
70, Pg 17)

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 1, Replat of Woodward Industrial Park, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the northwest corner of said Lot 1; thence easterly, along the north line thereof, on a curve to the right having an initial tangent bearing of N77°43'34"E and a radius of 3719.85 feet, an arc distance of 114.86 feet to the northeast corner of said Lot 1; thence southeasterly, along the east line of said Lot 1, on a curve to the right having an initial tangent bearing of S57°15'43"E and a radius of 40.00 feet, an arc distance of 23.44 feet; thence departing said east line, S79°30'07"W, 22.23 feet; thence N10°40'13"W, 5.00 feet; thence westerly, on a curve to the left having an initial tangent bearing of S79°19'47"W and a radius of 3704.85 feet, an arc distance of 106.42 feet to the west line of said Lot 1; thence N01°59'20"W, 15.25 feet to the Point of Beginning.

Containing in all 1,935 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 1,935 square feet,
more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 15

OWNERSHIP: Joey L. Hendrich and Laurie A. Hendrich,
Trustees of the Joey and Laurie Hendrich
Trust dated December 20, 2008

PARTIES IN POSSESSION: Joey L. Hendrich and Laurie A. Hendrich,
Trustees of the Joey and Laurie Hendrich
Trust dated December 20, 2008

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DP55330000 0001

LIENHOLDER: None

EASEMENT HOLDER: Karen and Sherri Limited Liability
Company
Midwest Fireplace
Mark James Metrokotsas and Barbara G.
Metrokotsas Trustees of the Mark
James Metrokotsas and Barbara
G. Metrokotsas Living Trust Dated
March 9, 2016
Centaur, Inc.
Kansas City Power & Light Company
Right-of-Way Easement Agreement
(Bk 3340 Pg 408)
City of Olathe, Kansas & Other
Governmental Entities – Utility
Easement, Water Line Easement
– Plat

PERMANENT DRAINAGE EASEMENT DESCRIPTION:

All that part of Lot 1, Old 56 Industrial Center, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the northeast corner of said Lot 1; thence westerly, along the north line thereof, on a curve to the left having an initial tangent bearing of S77°43'34"W and a radius of 3719.85 feet, an arc distance of 121.85 feet to the Point of Beginning; thence continue westerly on said curve to the left having a radius of 3719.85 feet, an arc distance of 30.12 feet; thence departing said north line, S14°36'53"E, 15.00 feet; thence easterly, on a curve to the right having an initial tangent bearing of N75°23'07"E and a radius of 3704.85 feet, an arc distance of 30.00 feet; thence N14°09'02"W, 15.00 feet to the Point of Beginning.

Containing in all 451 square feet, more or less.

TOTAL PERMANENT DRAINAGE EASEMENT AREA: 451 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of Lot 1, Old 56 Industrial Center, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the northeast corner of said Lot 1; thence westerly, along the north line thereof, on a curve to the left having an initial tangent bearing of S77°43'34"W and a radius of 3719.85 feet, an arc distance of 121.85 feet; thence departing said north line S14°09'02"E, 15.00 feet; thence westerly, on a curve to the left having an initial tangent bearing of S75°50'58"W and a radius of 3704.85 feet, an arc distance of 30.00 feet; thence N14°36'53"W, 15.00 feet to the north line of said Lot 1; thence westerly, along said north line, on a curve to the left having an initial tangent bearing of S75°23'07"W and a radius of 3719.85 feet, an arc distance of 155.40 feet to the northwest corner of said Lot 1; thence S01°58'09"E, along the west line of said Lot 1, 8.28 feet; thence departing said west line, easterly, on a curve to the right having an initial tangent bearing of N72°57'31"E and a radius of 3711.85 feet, an arc distance of 80.23 feet; thence S88°40'59"E, 95.57 feet; thence N59°55'11"E, 71.55 feet; thence easterly, on a curve to the right having an initial tangent bearing of N76°40'58"E and a radius of 3704.85 feet, an arc distance of 64.75 feet to the east line of said Lot 1; thence N01°59'20"W, along said east line, 15.25 feet to the Point of Beginning.

Containing in all 4,905 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4,905 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 17

OWNERSHIP: New TKG-KC, L.L.C., a Missouri Limited Liability Company

PARTIES IN POSSESSION: StorageMart

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DP71670000 0003

LIENHOLDER: Wells Fargo Bank, National Association

EASEMENT HOLDER: None

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of a vacated street (City of Olathe Ordinance 87-157) lying south of and adjacent to Lot 3, Southwest Business Park, a subdivision in the City of Olathe, Johnson County, Kansas and being a part of the Northeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Lot 3, thence S73°44'24"W, along the south line of said Lot 3, 219.76 feet to the west line of the east 213 feet of said Lot 3 and the Point of Beginning; thence S02°06'21"E, along the southerly extension of said west line, 15.47 feet to the north right of way line of Old 56 Hwy as established by vacation according to City of Olathe Ordinance 87-157; thence S73°44'24"W, along said right of way line, 34.30 feet; thence S78°48'00"W, 50.00 feet; thence departing said right of way line, N02°06'21"W, 19.50 feet to the south line of said Lot 3; thence easterly, along said south line, on a curve to the right having an initial tangent bearing of N83°03'01"E and a radius of 3919.83 feet, an arc distance of 49.53 feet; thence N73°44'24"E, 34.29 feet to the Point of Beginning.

Containing in all 1,380 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 1,380 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 25

OWNERSHIP: BNSF Railway Company, a Delaware Corporation, f/k/a The Kansas City & Santa Fe Railroad Company

PARTIES IN POSSESSION: BNSF Railway Company

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DF231402-1011

LIENHOLDER: None

EASEMENT HOLDER: The Kansas Power and Light Company n/k/a Westar Energy, Inc.
Union Gas System, Inc. n/k/a Atmos Energy Corporation
Outdoor Systems, Inc.
The State Highway Commission of Kansas, Acting for the State of Kansas

CROSSING ACCESS EASEMENT DESCRIPTION:

All that part of the Northwest Quarter of Section 2, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southwest corner of the Northwest Quarter of said Section 2; thence N02°04'47"W, along the west line thereof, 360.12 feet to a point that is 75.0 feet southeasterly of and normally distant to the original centerline of main track of the Atchison, Topeka and Santa Fe Railway Company and the Point of Beginning; thence departing said west line, N66°21'25"E, along a line that is 75.00 feet southeasterly of and parallel to said original centerline, 48.39 feet; thence departing said line, N02°04'47"W, 163.14 feet; thence S66°53'34"W, 48.21 feet to the west line of the Northwest Quarter of said Section 2; thence S02°04'47"E, along said west line, 163.62 feet to the Point of Beginning.

Containing in all 7,352 square feet, more or less.

TOTAL CROSSING ACCESS EASEMENT AREA: 7,352 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of the Northwest Quarter of Section 2, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southwest corner of the Northwest Quarter of said Section 2; thence N02°04'47"W, along the west line thereof, 360.12 feet to a point that is 75.0 feet southeasterly of and normally distant to the original centerline of main track of the Atchison, Topeka and Santa Fe Railway Company and the Point of Beginning; thence departing said west line, N66°21'25"E, along a line that is 75.00 feet southeasterly of and parallel to said original centerline, 146.40; thence departing said line, N06°07'39"W, 50.95 feet; thence S02°04'47"W, 78.95 feet; thence N02°04'47"W, 51.88 feet; thence N66°54'03"E, 116.29 feet; thence N23°06'26"W, 40.52 feet; thence S66°53'34"W, 159.64 feet to the west line of the Northwest Quarter of said Section 2; thence S02°04'47"E, along said west line, 163.62 feet to the Point of Beginning.

Containing in all 18,121 square feet, more or less.

TOTAL TEMPORARY CONSTRCUTION EASEMENT AREA: 18,121 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 26

OWNERSHIP:	BNSF Railway Company, a Delaware Corporation, f/k/a The Atchison, Topeka and Santa Fe Railway Company
PARTIES IN POSSESSION:	BNSF Railway Company
SITUS ADDRESS:	None
JOHNSON COUNTY PARCEL ID NUMBER:	DF231402-1017
LIENHOLDER:	None
EASEMENT HOLDER:	Union Gas System, Inc. n/k/a Atmos Energy Corporation Santa Fe Land Improvement Company Outdoor Systems, Inc.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of the Northwest Quarter of Section 2, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southwest corner of the Northwest Quarter of said Section 2; thence N02°04'47"W, along the west line thereof, 360.12 feet to a point that is 75.0 feet southeasterly of and normally distant to the original centerline of main track of the Atchison, Topeka and Santa Fe Railway Company; thence departing said west line, N66°21'25"W, along a line that is 75.00 feet southeasterly of and parallel to said original centerline, 107.60 feet to the east line of an existing construction, maintenance and use easement as described and recorded in Book 1716, Page 497 in the Johnson County Register of Deeds Office and the Point of Beginning; thence continue N66°21'25"W, 38.80 feet; thence departing said line that is 75.00 feet southeasterly of and parallel to said original centerline, S06°07'39"E, 182.97 feet; thence S02°04'47"E, 155.55 feet to the east line of said construction, maintenance and use easement; thence N85°28'15"W, along said east line, 37.25 feet; thence N02°04'47"W, along said east line, 149.95 feet; thence N06°07'39"W, along said east line, 169.99 feet to the Point of Beginning.

Containing in all 12,181 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 12,181 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 27

OWNERSHIP: The Gerson Company, a Missouri Corporation

PARTIES IN POSSESSION: The Gerson Company

SITUS ADDRESS: 1450 S. Lone Elm Road
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP28520000 0001

LIENHOLDER: Commerce Bank

EASEMENT HOLDER: Kansas City Power & Light Company
Producers, Inc. (waterline contract
Atchison, Topeka and Santa Fe Railway
Company n/k/a BNSF Railway
Company
Union Gas System, Inc. n/k/a Atmos
Energy Corporation
City of Olathe and Other Governmental
Entities – Utility Easement – Plat
Cherokee & Pittsburg Coal and Mining
Company - Mineral Rights

PERMANENT DRAINAGE EASEMENT DESCRIPTION:

All that part of Lot 1, Gerson Subdivision, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southwest corner of said Lot 1, said point being on the east right of way line of S. Lone Elm Road; thence N88°03'27"E, along the south line of said Lot 1, 6.61 feet to the east line of an existing drainage easement; thence departing the south line of said Lot 1, N02°04'21"W, along the east line of said drainage easement, 12.62 feet to the Point of Beginning; thence continue N02°04'21"W, along said east line, 39.06 feet; thence departing said east line, N87°55'39"E, 16.30 feet; thence S02°04'21"E, 39.06 feet; thence S87°55'39"W, 16.30 feet to the Point of Beginning.

Containing in all 636 square feet, more or less.

TOTAL PERMANENT DRAINAGE EASEMENT AREA: 636 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT #1 DESCRIPTION:

All that part of Lot 1, Gerson Subdivision, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the southwest corner of said Lot 1, said point being on the east right of way line of S. Lone Elm Road; thence N02°04'21"W, along the west line of said Lot 1, 201.66 feet; thence departing said west line, N87°55'39"E, 23.00 feet; thence S02°04'21"E, 110.00 feet; thence N87°55'39"E, 5.00 feet; thence S02°04'21"E, 91.73 feet to the south line of said Lot 1; thence S87°03'27"W, 28.02 feet to the Point of Beginning. EXCEPT; that part of said Lot 1 described as follows: Commencing at the southwest corner of said Lot 1, said point being on the east right of way line of S. Lone Elm Road; thence N88°03'27"E, along the south line of said Lot 1, 6.61 feet to the east line of an existing drainage easement; thence departing the south line of said Lot 1, N02°04'21"W, along the east line of said drainage easement, 12.62 feet to the Point of Beginning; thence continue N02°04'21"W, along said east line, 39.06 feet; thence departing said east line, N87°55'39"E, 16.30 feet; thence S02°04'21"E, 39.06 feet; thence S87°55'39"W, 16.30 feet to the Point of Beginning.

Containing in all 4,464 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT #2 DESCRIPTION:

All that part of Lot 1, Gerson Subdivision, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the southwest corner of said Lot 1, said point being on the east right of way line of S. Lone Elm Road; thence N02°04'21"W, along the west line of said Lot 1, 614.58 feet to the Point of Beginning; thence continue N02°04'21"W, 100.00 feet; thence departing said west line, N87°55'39"E, 35.00 feet; thence S02°04'21"E, 100.00 feet; thence S87°55'39"W, 35.00 feet to the Point of Beginning.

Containing in all 3,500 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT #1 AREA: 4,464 square feet, more or less

TOTAL TEMPORARY CONSTRUCTION EASEMENT #2 AREA: 3,500 square feet, more or less

LONE ELM ROAD, OLD 56 HWY TO 151ST IMPROVEMENTS PROJECT – TRACT NO. 29

OWNERSHIP: SPX Cooling Technologies, Inc., a Delaware Corporation f/k/a The Marley Cooling Tower Company, a Delaware Corporation

The Marley Company, a Delaware Corporation

PARTIES IN POSSESSION: SPX Cooling Technologies, Inc., a Delaware Corporation f/k/a The Marley Cooling Tower Company, a Delaware Corporation

SITUS ADDRESS: 1400 W. Marley Road
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DP54000000 0001A

LIENHOLDER: None

EASEMENT HOLDER: ROW Ingress & Egress Warranty Deed
Marley Road Utility Easement

PUBLIC STREET DEDICATION #1 DESCRIPTION:

All that part of Lot 1, Olathe Industrial Tracts, a subdivision in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Beginning at the southeast corner of said Lot 1; thence S88°09'33"W, along the south line thereof, 15.00 feet; thence departing said south line, N02°04'27"W, 183.30 feet; thence N87°55'33"E, 15.00 feet to the west right of way line of Lone Elm Road; thence S02°04'27"E, along said right of way line, 183.36 feet to the Point of Beginning.

Containing in all 2,750 square feet, more or less.

PUBLIC STREET DEDICATION #2 DESCRIPTION:

All that part of vacated Marley Road being a part of the Southeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of Lot 1, Olathe Industrial Tracts, a subdivision in the City of Olathe, Johnson County, Kansas, thence S88°09'33"W, along the south line thereof, 15.00 feet to a point on the north line of said vacated Marley Road and the Point of Beginning; thence continue S88°09'33"W, 20.24 feet; thence departing said north line, S02°04'27"E, 60.11 feet to the south line of said vacated Marley Road; thence N88°09'13"E, 20.24 feet; thence departing said south line, N02°04'27"W, 60.11 feet to the Point of Beginning.

Containing in all 1,218 square feet, more or less.

TOTAL PUBLIC STREET DEDICATION #1 AREA: 2,750 square feet, more or less

TOTAL PUBLIC STREET DEICATION #2 AREA: 1,218 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of vacated Marley Road being a part of the Southeast Quarter of Section 3, Township 14 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, more particularly described as follows:

Commencing at the at the southeast corner of Lot 1, Olathe Industrial Tracts, a subdivision in the City of Olathe, Johnson County, Kansas, thence S88°09'33"W, along the south line thereof, 35.24 feet to a point on the north line of said vacated Marley Road and the Point of Beginning; thence continue S88°09'33"W, 75.00 feet; thence departing said north line, S02°04'27"E, 60.12 feet to the south line of said vacated Marley Road; thence N88°09'13"E, 75.24 feet; thence departing said south line, N02°04'27"W, 60.11 feet to the Point of Beginning.

Containing in all 4,516 square feet, more or less.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 4,516 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, permanent drainage easements, crossing access easements, and temporary construction easements for the widening, constructing, reconstructing and maintaining the Lone Elm Road, Old 56 Hwy to 151st Street, 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 21st day of May, 2019.

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