

ORDINANCE NO. 19-22

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE 159TH STREET AND BLACK BOB ROAD IMPROVEMENTS PROJECT, PN 3-C-006-16, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 19-1037, PASSED AND APPROVED BY THE GOVERNING BODY ON MAY 21, 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, and temporary construction easements for widening, constructing, reconstructing and maintaining the 159th Street and Black Bob Road Improvements Project as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1037, adopted by the Governing Body of the City of Olathe, Kansas, on May 21, 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, and temporary construction easements for widening, constructing, reconstructing and maintaining the 159th Street and Black Bob Road Improvements Project has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of permanent road right-of-way, permanent drainage easements, and temporary construction easements for the widening, constructing, reconstructing and maintaining the 159th Street and Black Bob Road 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 159th Street and Black Bob Road Improvements Project the land hereinafter described:

159TH STREET & BLACK BOB ROAD IMPROVEMENTS – TRACT NO. 1

OWNERSHIP: Legacy Christian Church, a Kansas Not for Profit Corporation

PARTIES IN POSSESSION: Legacy Christian Church
Heritage Christian Academy, Inc.

SITUS ADDRESS: 16000 S. Black Bob Road
Olathe, KS 66062

JOHNSON COUNTY PARCEL ID NUMBER: DP04030000 0001

LIENHOLDER: None

EASEMENT HOLDER: Johnson County, Kansas and All Public
Utility Companies – Utility
Easement, Drainage Easement,
Sanitary Sewer Easement, Water
Line Easement – Plat
Kansas City Power & Light Company
Rural Water District No. 5, Johnson
County, Kansas n/k/a Water
District No. 1 of Johnson County
(Kansas) a/k/a WaterOne
Upper Blue River Basin Main Sewer
District of Johnson County Unified
Sewer Districts (Planning) n/k/a
Consolidated Main Sewer District
of Johnson County a/k/a Johnson
County Wastewater
Union Gas System, Inc. n/k/a Atmos
Energy Corporation
Consolidated Main Sewer District of
Johnson County, Kansas a/k/a
Johnson County Wastewater
Southwestern Bell Telephone Company
n/k/a AT&T Corp.
Water District No. 1 of Johnson County
(Kansas) a/k/a WaterOne
Heritage Christian Academy, Inc.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All of the North 15.00 feet of the West 60.00 feet of the East 250.00 feet of Lot 1, BEREAN BIBLE CHURCH, a subdivision of record situated in the City of Olathe, Johnson County, Kansas.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 900 square feet, more or less.

159TH STREET & BLACK BOB ROAD IMPROVEMENTS – TRACT NO. 2

OWNERSHIP: Woodland Creek Association, a Kansas
Not for Profit Corporation

PARTIES IN POSSESSION: Woodland Creek Association

SITUS ADDRESS: 15300 W. 159th Street
Olathe, KS 66062

JOHNSON COUNTY PARCEL ID NUMBER: DP78970000 0T0U

LIENHOLDER: None

EASEMENT HOLDER: City of Olathe, Kansas and Other
Governmental Entities – Utility
Easement; Public Utility
Easement; Johnson County
Wastewater – Plat
Kansas City Power & Light Company
Upper Blue River Basin Main Sewer
District, Johnson County, Kansas
(Planning) n/k/a Consolidated
Main Sewer District of Johnson
County, Kansas a/k/a Johnson
County Wastewater
Consolidated Main Sewer District of
Johnson County, Kansas a/k/a
Johnson County Wastewater

PERMANENT ROAD RIGHT-OF-WAY DESCRIPTION:

All that part of Tract U, WOODLAND CREEK, 7TH PLAT, a subdivision of record situated in the City of Olathe, Johnson County, Kansas, being described as follows:

Beginning at the Southeast corner of said Tract U; thence South 87°52'07" West, along the South line of said Tract U, a distance of 682.31 feet to a point on the East line of the West 402.50 feet thereof; thence North 02°07'53" West, along the East line of the West 402.50 feet of said Tract U, a distance of 10.00 feet to a point on the North line of the South 10.00 feet thereof; thence North 87°52'07" East, along the North line of the South 10.00 feet of said Tract U, a distance of 22.34 feet; thence North 85°28'58" East, departing the North line of the South 10.00 feet of said Tract U, a distance of 360.36 feet to a point on the North line of the South 25.00 feet thereof; thence North 87°52'07" East, along the North line of the South 25.00 feet of said Tract U, a distance of 300.00 feet to a point on the East line

thereof; thence South 01°58'02" East, along the East line of said Tract U, a distance of 25.00 feet to the Point of Beginning.

The bearings used in this description are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

TOTAL PERMANENT ROAD RIGHT-OF-WAY AREA: 14,024 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All those parts of Tract U, WOODLAND CREEK, 7TH PLAT, a subdivision of record situate in the City of Olathe, Johnson County, Kansas, being described as follows:

Temporary Construction Easement 1: All of the South 5.00 feet of the West 402.50 feet of said Tract U.

Temporary Construction Easement 2: Commencing at the Southeast corner of said Tract U; thence North 01°58'02" West, along the East line of said Tract U, a distance of 25.00 feet to the intersection with the East line of said Tract U and the North line of the South 25.00 feet thereof, said point being the Point of Beginning; thence North 01°58'02" West, continuing along the East line of said Tract U, a distance of 65.00 feet; thence South 42°57'02" West, departing the East line of said Tract U, a distance of 92.06 feet to a point on the North line of the South 25.00 feet thereof; thence North 87°52'07" East, along the North line of the South 25.00 feet of said Tract U, a distance of 65.00 feet to the Point of Beginning.

The bearings used in this description are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

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

159TH STREET & BLACK BOB ROAD IMPROVEMENTS – TRACT NO. 3

OWNERSHIP: Allan J. Kramer, a single person

PARTIES IN POSSESSION: Allan J. Kramer
Pathway Community Christian Reformed Church

SITUS ADDRESS: None

JOHNSON COUNTY PARCEL ID NUMBER: DF241409-2002

LIENHOLDER: None

EASEMENT HOLDER: Upper Blue River Basin Sewer District
(Planning) a/k/a Consolidated
Main Sewer District of Johnson
County, Kansas a/k/a Johnson
County Wastewater
Consolidated Main Sewer District of
Johnson County, Kansas a/k/a
Johnson County Wastewater

PERMANENT DRAINAGE EASEMENT DESCRIPTION:

All that part of the Southwest Quarter of Section 9, Township 4 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Commencing at the Southeast corner of Lot 1, PATHWAY CHURCH, a subdivision of record filed with the Johnson County, Kansas Register of Deeds on May 6, 2014 in Book 201405 at Page 001717, said point being on the North right-of-way line of W. 159th Street, as now established; thence South 89°24'50" East, along said North right-of-way line of W. 159th Street, a distance of 232.37 feet to its intersection with the West line of a Permanent Drainage Easement filed with said Register of Deeds on June 22, 2012 in Book 201206 at Page 008306; thence North 01°47'58" West, along the West line of said Permanent Drainage Easement, a distance of 25.46 feet to the Northwest corner thereof, said point being the Point of Beginning; thence continuing North 01°47'58" West, along the Northerly prolongation of the West line of said Permanent Drainage Easement, a distance of 20.00 feet to a point on the North line of the South 110.00 feet of the Southwest Quarter of said Section 9; thence North 88°12'02" East, along the North line of the South 110.00 feet of the Southwest Quarter of said Section 9, a distance of 20.00 feet to a point on the Northerly prolongation of the East line of said Permanent Drainage Easement; thence South 01°47'58" East, along the Northerly prolongation of the East line of said Permanent Drainage Easement, a distance of

20.00 feet to the Northeast corner thereof; thence South 88°12'02" West, along the North line of said Permanent Drainage Easement, a distance of 20.00 feet to the Point of Beginning.

The bearings used in this description are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

TOTAL PERMANENT DRAINAGE EASEMENT AREA: 400 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All those parts of the Southwest Quarter of Section 9, Township 4 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Temporary Construction Easement 1: Commencing at the Southeast corner of Lot 1, PATHWAY CHURCH, a subdivision of record filed with the Johnson County, Kansas Register of Deeds on May 6, 2014 in Book 201405 at Page 001717, said point being on the North right-of-way line of W. 159th Street, as now established; thence South 89°24'50" East, along said North right-of-way line of W. 159th Street, a distance of 222.36 feet to the Point of Beginning; thence South 89°24'50" East, continuing along said North right-of-way line of W. 159th Street, a distance of 10.01 feet to its intersection with the West line of a Permanent Drainage Easement filed with said Register of Deeds on June 22, 2012 in Book 201206 at Page 008306, said point henceforth referred to as Point "A"; thence North 01°47'58" West, along the West line of said Permanent Drainage Easement and its Northerly prolongation, a distance of 45.46 feet to a point on the North line of the South 110.00 feet of the Southwest Quarter of said Section 9; thence South 88°12'02" West, along the North line of the South 110.00 feet of the Southwest Quarter of said Section 9, a distance of 10.00 feet; thence South 01°47'58" East, departing the North line of the South 110.00 feet of the Southwest Quarter of said Section 9, a distance of 45.04 feet to the Point of Beginning.

Temporary Construction Easement 2: Commencing at Point "A" in aforesaid description, said point being on the North right-of-way line of W. 159th Street; thence South 89°24'50" East, along said North right-of-way line of said W. 159th Street, a distance of 20.02 feet to its intersection with the East line of a Permanent Drainage Easement filed with the Johnson County, Kansas Register of Deeds on June 22, 2012 in Book 201206 at Page 008306, said point being the Point of Beginning; thence South 89°24'50" East, continuing along said North right-of-way line of W. 159th Street, a distance of 10.01 feet; thence North 01°47'58" West, departing said North line of W. 159th Street, a distance of 46.71 feet to a point on the North line of the South 110.00 feet of the Southwest Quarter of said Section 9; thence South 88°12'02" West, along the North line of the South 110.00 feet of said Section 9, a distance of 10.00 feet to its intersection with the Northerly prolongation of the East line of said Permanent Drainage Easement; thence South 01°47'58"

East, along the East line of said Permanent Drainage Easement and its Northerly prolongation, a distance of 46.29 feet to the Point of Beginning.

The bearings used in these descriptions are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 918 square feet, more or less.

159TH STREET & BLACK BOB ROAD IMPROVEMENTS – TRACT NO. 4

OWNERSHIP: Henry Miesner a/k/a Henry M. Misener
and Tara Miesner a/k/a Tara R. Miesner,
husband and wife

PARTIES IN POSSESSION: Henry Misener a/k/a Henry M. Miesner
and Tara Miesner a/k/a Tara R. Miesner,
husband and wife

SITUS ADDRESS: 14850 W. 159th Street
Olathe, KS 66062

JOHNSON COUNTY PARCEL ID NUMBER: 7F241409-2010

LIENHOLDER: NBKC Bank, a Kansas State Bank,
through Mortgage Electronic Registration
Systems, Inc. (MERS), a Delaware
Corporation

EASEMENT HOLDER: Upper Blue River Basin Sewer District
(Planning) a/k/a Consolidated
Main Sewer District of Johnson
County, Kansas a/k/a Johnson
County Wastewater
Kansas City Power & Light Company
Union Gas System, Inc. n/k/a Atmos
Energy Corporation
Consolidated Main Sewer District of
Johnson County, Kansas a/k/a
Johnson County Wastewater
Board of County Commissioners of
Johnson County, State of Kansas

PERMANENT ROAD RIGHT-OF-WAY DESCRIPTION:

All that part of the Southwest Quarter of Section 9, Township 14 South, Range
24 East, Johnson County, Kansas, being described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 9;
thence North 88°12'02" East, along the South line of the Southwest Quarter of said
Section 9, a distance of 757.27 feet to its intersection with the Southerly
prolongation of the West line of the property described in a Joint Tenancy Warranty
Deed filed with the Johnson County, Kansas Register of Deeds on January 16,
2019 in Book 201901 at Page 003386; thence North 00°46'12" East, along the

Southerly prolongation of the West line of the property described in said Joint Tenancy Warranty Deed, a distance of 30.03 feet to its intersection of the West line of the property described in said Joint Tenancy Warranty Deed and the North right-of-way line of W. 159th Street as described in a Deed of Dedication filed with said Register of Deeds on September 6, 2012 in Book 201209 at Page 001739, as now established, said point being the Point of Beginning; thence continuing North 00°46'12" East, along the West line of the property described in said Joint Tenancy Warranty Deed, a distance of 30.03 feet to a point on the North line of the South 60.00 feet of the Southwest Quarter of said Section 9; thence North 88°12'02" East, along the North line of the South 60.00 feet of the Southwest Quarter of said Section 9, a distance of 188.10 feet to a point on the East line of the property described in said Joint Tenancy Warranty Deed; thence South 01°52'25" East, along the East line of the property described in said Joint Tenancy Warranty Deed, a distance of 30.00 feet to the Southeast corner thereof, said point also being on said North right-of-way line of W. 159th Street; thence South 88°12'02" West, along said North right-of-way line of W. 159th Street, a distance of 189.48 feet to the Point of Beginning.

The bearings used in this description are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

TOTAL PERMANENT ROAD RIGHT-OF-WAY AREA: 5,664 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

All that part of the Southwest Quarter of Section 9, Township 14 South, Range 24 East, Johnson County, Kansas, being described as follows:

Commencing at the Southwest corner of the Southwest Quarter of said Section 9; thence North 88°12'02" East, along the South line of the Southwest Quarter of said Section 9, a distance of 757.27 feet to the intersection with the Southerly prolongation of the West line of the property described in a Joint Tenancy Warranty Deed filed with the Johnson County, Kansas Register of Deeds on January 16, 2019 in Book 201901 at Page 003386; thence North 00°46'12" East, along the West line of the property described in said Joint Tenancy Warranty Deed and its Southerly prolongation, a distance of 60.06 feet to a point on the North line of the South 60.00 feet of the Southwest Quarter of said Section 9; thence North 88°12'02" East, along the North line of the South 60.00 feet of the Southwest Quarter of said Section 9, a distance of 56.32 feet to the Point of Beginning; thence North 01°47'58" West, departing the North line of the South 60.00 feet of the Southwest Quarter of said Section 9, a distance of 10.00 feet to a point on the North line of the South 70.00 feet thereof; thence North 88°12'02" East, along the North line of the South 70.00 feet of the Southwest Quarter of said Section 9, a distance of 30.00 feet; thence South 01°47'58" East, departing the North line of the South 70.00 feet of the Southwest Quarter of said Section 9, a distance of 10.00 feet to a point on the North line of the South 60.00 feet thereof; thence South 88°12'02" West, along the North line of the South 60.00 feet of the Southwest Quarter of said Section 9, a distance of 30.00 feet to the Point of Beginning.

The bearings used in this description are based on the Kansas State Plane Coordinate System, North Zone, NAD 83.

TOTAL TEMPORARY CONSTRUCTION EASEMENT AREA: 300 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, and temporary construction easements for the widening, constructing, reconstructing and maintaining the 159th Street and Black Bob Road 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 4th day of June, 2019.

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