

ORDINANCE NO. 20-06

**AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR THE PURPOSE OF REPLACING EXISTING CULVERTS WITH BRIDGES, RECONSTRUCTION OF PAVEMENT, CHANNEL DEEPENING AND WIDENING, RETAINING WALLS, AND STORM SEWER IMPROVEMENTS FOR THE MILL CREEK PRAIRIE STREET TO CEDAR STREET STORMWATER PROJECT, NO. 2-C-030-18, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 20-1018, PASSED AND APPROVED BY THE GOVERNING BODY ON FEBRUARY 18, 2020.**

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

**SECTION ONE:** The description and survey of lands necessary to acquire fee simple title to property in Olathe, Kansas for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie Street to Cedar Street Stormwater Project, No. 2-C-030-18, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 20-1018, adopted by the Governing Body of the City of Olathe, Kansas, on February 18<sup>th</sup>, 2020, is hereby approved.

**SECTION TWO:** The action of the Governing Body of the City of Olathe, Kansas, in acquiring fee simple title to property for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie Street to Cedar Street Stormwater Project, No. 2-C-030-18, has been declared necessary by the Governing Body.

**SECTION THREE:** The acquisition of fee simple title to property for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie Street to Cedar Street Stormwater Project, No. 2-C-030-18, 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 the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie Street to Cedar Street Stormwater Project, No. 2-C-030-18, the land hereinafter described:

**MILL CREEK PRAIRIE STREET TO CEDAR STREET STORMWATER PROJECT,  
NO. 2-C-030-18 – TRACT NO. 1**

**OWNERSHIP:** Manuel J. Baraban and Lois N. Baraban,  
under trust dated April 3, 1997

**PARTIES IN POSSESSION:** Manuel J. Baraban d/b/a Mannie's

**SITUS ADDRESS:** 302 E Santa Fe St Olathe, KS 66061

**JOHNSON COUNTY PARCEL ID NUMBER:** DP52000033-0022

**LIENHOLDER:** None

**EASEMENT HOLDER:** City of Olathe

**PROPERTY DESCRIPTION:**

Lots 22, 23, and Lot 24, EXCEPT the East 3 feet of the South 40 feet thereof,  
condemned for Street right of way, Block 33, City of Olathe, Johnson County, Kansas.

## ATTACHMENT A

**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 property for the purpose of replacing existing culverts with bridges, reconstruction of pavement, channel deepening and widening, retaining walls, and storm sewer improvements for the Mill Creek Prairie Street to Cedar Street Stormwater Project, No. 2-C-030-18, 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:** The City Treasurer is hereby authorized to pay the Clerk of the District Court the sum of the eminent domain award as determined by the court-appointed appraisers, including such appraisers' fees.

**SECTION SEVEN:** 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 18<sup>th</sup> day of February, 2020.

**SIGNED** by the Mayor this 18<sup>th</sup> day of February, 2020.

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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.