

ORDINANCE NO. 20-14

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR CONSTRUCTING THE I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT, PN 3-C-026-16, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 20-1034, PASSED AND APPROVED BY THE GOVERNING BODY ON MAY 5, 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 public street dedications, permanent utility easements, temporary construction easements, and fee simple title to property for constructing the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 20-1034, adopted by the Governing Body of the City of Olathe, Kansas, on May 5, 2020, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring public street dedications, permanent utility easements, temporary construction easements, and fee simple title to property for constructing the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of public street dedications, Permanent Utility Easements, temporary construction easements, and fee simple title to property for constructing the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 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 the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 the land hereinafter described:

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 2

OWNERSHIP:	Karbank Holdings, LLC
PARTIES IN POSSESSION:	Karbank Holdings, LLC, and all other easement holders of record and parties in possession
SITUS ADDRESS:	17000 W. 119th St.
JOHNSON COUNTY PARCEL ID NUMBER:	DP55470000 0005
LIENHOLDER:	State Farm Life Insurance Company
EASEMENT HOLDER:	City of Olathe and All Public Utility Companies Kansas City Power & Light Company Consolidated Main Sewer District of Johnson County

Temporary Construction Easement Description

All that part of Lot 5 of 119TH STREET TECH PARK 4TH ADDITION, a subdivision in the City of Olathe, filed in Book 200511, at Page 5750 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 18, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 5, also a point on the North Right-of-Way Of W. 119th Street; thence South 87°28'44" West along said North Right-of-Way line, also the South property line of said Lot 5, a distance of 77.24 feet; thence North 02°31'16" West, a distance of 7.00 feet; thence North 87°28'44" East, a distance of 77.24 feet, to a point on the East property line of said Lot 5; thence South 02°31'16" East, a distance of 7.00 feet to the **Point of Beginning**.

The above described parcel contains 541 square feet or 0.012 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 3

OWNERSHIP: Karbank Holdings, LLC

PARTIES IN POSSESSION: Karbank Holdings, LLC, and all other
easement holders of record and parties
in possession

SITUS ADDRESS: 16850 W. 119th St.

JOHNSON COUNTY PARCEL ID NUMBER: DP55470000 0006

LIENHOLDER: State Farm Life Insurance Company

EASEMENT HOLDER: City of Olathe and All Public Utility
Companies

Kansas City Power & Light Company

United Cities Gas Company, Inc.

Consolidated Main Sewer District of
Johnson County

Permanent Utility Easement Description

All that part of Lot 6, of 119TH STREET TECH PARK 5TH ADDITION, a subdivision in the City of Olathe, filed in Book 200803, at Page 2398 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 18, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Commencing at the Southeast corner of said Lot 6, also a point on the North Right-of-Way of W. 119th Street; thence South 87°28'44" West, along said North Right-of-Way, also the South property line of said Lot 6, a distance of 27.55 feet; thence North 02°31' 16" West, perpendicular from last course, a distance of 10.00 feet, to a point on an existing 10 foot utility easement and the **Point of Beginning**; thence North 24°14'15" East, a distance of 29.39 feet; thence North 01°26'21" West, a distance of 50.09 feet; thence northerly along a curve to the right, said curve being tangent to the last course, a radius of 5070.00 feet and an arc distance of 165.40 feet; thence North 06°05'39" East, a distance of 17.53 feet, to a point on said 10 foot utility easement; thence South 01°26'21" East, along said utility easement, a distance of 245.53 feet; thence South 24°14'15" West, a Distance of 15.08 feet, to a point on said utility easement; thence South 87°28'44" West, along said utility easement, a distance of 11.20 feet to the **Point of Beginning**.

The above described parcel contains 1,202 square feet or 0.028 acres, more or less.

Public Street Dedication Description

All that part of Lot 6 of 119TH STREET TECH PARK 5TH ADDITION, a subdivision in the City of Olathe, filed in Book 200803, at Page 2398 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 18, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 6, also a point on the North Right-of-Way of W. 119th Street; thence South 87°28'44" West, along said North Right-of-Way, also the South property line of said Lot 6, a distance of 21.39 feet; thence North 24°14'15" East, a distance of 37.82 feet; thence North 01°26'21" West, a distance of 52.37 feet; thence northerly along a curve to the right, said curve being tangent to the last course, a radius of 5060.00 feet and an arc distance of 164.58 feet; thence North 06°05'39" East, a distance of 17.72 feet, to a point on the West Right-of-Way of Renner Blvd., also the East property line of said Lot 6; thence South 01°26'21" East, along said West Right-of-Way, a distance of 268.17 feet to the **Point of Beginning**.

The above described parcel contains 1,404 square feet or 0.032 acres, more or less.

Temporary Construction Easement Description

All that part of Lot 6 of 119TH STREET TECH PARK 5TH ADDITION, a subdivision in the City of Olathe, filed in Book 200803, at Page 2398 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 18, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Southwest corner of said Lot 6, also a point on the North Right-of-Way Of W. 119th Street; thence North 02°31'16" West, along the West property line of said Lot 6, a distance of 7.00 feet; thence North 87°28'44" East, a distance of 17.76 feet; thence North 02°31' 16" West, a distance of 15.00 feet; thence North 87°28'44" East, a distance of 40.00 feet; thence South 84°24'01" East, a distance of 75.76 feet; thence North 87°28'44" East, a distance of 47.00 feet; thence North 02°31'16" West, a distance of 15.00 feet; thence North 87°28'44" East, a distance of 35.00 feet; thence South 02°31'16" East, a distance of 26.30 feet, to a point on said North Right-of-Way line, also the South property line of said Lot 6; thence South 87°28'44" West, along said North Right-of-Way, a distance of 214.76 feet to the **Point of Beginning**.

The above described parcel contains 3,704 square feet or 0.085 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 4

OWNERSHIP:	TDF, Inc.
PARTIES IN POSSESSION:	TDF, Inc. and all other easement holders of record and parties in possession
SITUS ADDRESS:	16680 W. 119th St.
JOHNSON COUNTY PARCEL ID NUMBER:	DP29300000 0009
LIENHOLDER:	Unknown
EASEMENT HOLDER:	City of Olathe and All Public Utility Companies Kansas City Power & Light Company Rural Water District No. 4, Johnson County, Kansas

Property Description

All that part of Lot 9 of HALL'S ACRES, a subdivision in the City of Olathe, filed in Book 7, at Page 24 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 17, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Lot 9, except the East 220 feet and except that part in street, of HALL'S ACRES, a subdivision in Johnson County, Kansas, according to the said recorded plat thereof.

Subject to easements, restrictions, reservations, covenants and contracts of record.

Lot 9 parcel contains 198,187 square feet or 4.550 acres, more or less.

Lot 9, except the East 220 feet, 129,987 square feet or 2.984 acres, more or less.

Lot 9, with road right-of-way exceptions, 119,317 square feet or 2.739 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 4A

OWNERSHIP:	TDF, Inc.
PARTIES IN POSSESSION:	TDF, Inc. and all other easement holders of record and parties in possession
SITUS ADDRESS:	N/A
JOHNSON COUNTY PARCEL ID NUMBER:	DP29300000 0010B
LIENHOLDER:	Unknown
EASEMENT HOLDER:	City of Olathe and All Public Utility Companies Kansas City Power & Light Company Rural Water District No. 4, Johnson County, Kansas

Property Description

All that part of Lot 10 of HALL'S ACRES, a subdivision in the City of Olathe, filed in Book 7, at Page 24 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 17, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

The South 72.6 feet of Lot 10, except the East 131.3 feet and except that part in street, of HALL'S ACRES, a subdivision in Johnson County, Kansas, according to the said recorded plat thereof.

Subject to easements, restrictions, reservations, covenants and contracts of record. Lot 10 parcel contains 210,974 square feet or 4.843 acres, more or less.

The South 72.6 feet of Lot 10, except the East 131.3 feet and road right-of-way exception, 33,978 square feet or 0.780 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 5

OWNERSHIP:	Comanche Associates, LLC
PARTIES IN POSSESSION:	Comanche Associates, LLC and all other easement holders of record and parties in possession
SITUS ADDRESS:	16510 W. 119 th St.
JOHNSON COUNTY PARCEL ID NUMBER:	DP29300000 0010B
LIENHOLDER:	Bank of Blue Valley
EASEMENT HOLDER:	City of Olathe and All Public Utility Companies Kansas City Power & Light Company Rural Water District No. 4, Johnson County, Kansas

Property Description

All that part of Lot 9 of HALL'S ACRES, a subdivision in the City of Olathe, filed in Book 7, at Page 24 in the Johnson County Register of Deeds Office, lying in the Southwest Quarter of Section 17, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

The East 220 feet of Lot 9, except that part in street, of HALL'S ACRES, a subdivision in Johnson County, Kansas, according to the said recorded plat thereof.

Subject to easements, restrictions, reservations, covenants and contracts of record.

Lot 9 parcel contains 198,187 square feet or 4.550 acres, more or less.

Lot 9, the East 220 feet, with road right-of-way exceptions, 68,200 square feet or 1.566 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 15

OWNERSHIP: Maegrace II, LLC

PARTIES IN POSSESSION: Maegrace II, LLC, and all other easement holders of record and parties in possession

SITUS ADDRESS: 16689 W. 119th St.

JOHNSON COUNTY PARCEL ID NUMBER: DP55470000 0006

LIENHOLDER: Natixis Real Estate Capital LLC,

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Kansas City Power & Light Company

Atmos Energy Corporation

Rural Water District No. 4, Johnson County, Kansas

Temporary Construction Easement Description

All that part of Lot 3, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 3, also a point on the South Right-of-Way of W. 119th Street; thence South 01°58'31" East, along the East property line of said Lot 3, a distance of 5.00 feet; thence North 87°15'04" West, a distance of 50.29 feet; thence South 88°11'12" West, a distance of 130.00 feet; thence South 57°18'40" West, a distance of 38.25 feet; thence South 02°07'45" East, a distance of 20.00 feet; thence South 87°52'15" West, a distance of 5.00 feet, to a point on the East Right-of-Way of Renner Boulevard; thence along said East Right-of-Way, North 02°07'45" West, a distance of 28.60 feet; thence North 43°05'07" East, a distance 22.66 feet, to a point on said South Right-of-Way of W. 119th Street; thence along said South Right-of-Way, North 88°11'12" East, a distance of 141.31 feet; thence South 01°48'48" East, a distance of 4.00 feet; thence North 88°11' 12" East, a distance of 60.68 feet to the **Point of Beginning**.

The above described parcel contains 1,340 square feet or 0.031 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 16

OWNERSHIP: Maegrace II, LLC

PARTIES IN POSSESSION: Maegrace II, LLC, and all other easement holders of record and parties in possession

SITUS ADDRESS: N/A.

JOHNSON COUNTY PARCEL ID NUMBER: DP53560000 0007

LIENHOLDER: Natixis Real Estate Capital LLC,

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Kansas City Power & Light Company

Atmos Energy Corporation

Rural Water District No. 4, Johnson County, Kansas

Temporary Construction Easement Description

All that part of Lot 7, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northwest, Northwesterly comer of said Lot 7, also a point on the South Right-of-Way of W. 119th Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 97.50 feet, to the Northwest, Northeasterly comer of said Lot 7; thence South 01°58'31" East, along the Northwest, Easterly property line of said Lot 7, a distance of 5.00 feet; South 88°11'12" West, a distance of 97.50 feet, to a point on the Northwest, Westerly property line of said Lot 7; thence North 01°58'31" West, along said Westerly property line, a distance of 5.00 feet to the **Point of Beginning**.

The above described parcel contains 488 square feet or 0.011 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 17

OWNERSHIP: HLT Group LLC,

PARTIES IN POSSESSION: HLT Group LLC, and all other easement holders of record and parties in possession

SITUS ADDRESS: 16521 W. 119th St.

JOHNSON COUNTY PARCEL ID NUMBER: DP53560000 0004

LIENHOLDER: The Bank of Tampa

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Atmos Energy Corporation

Temporary Construction Easement Description

All that part of Lot 4, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 4, also a point on the South Right-of-Way of W. 119th Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 137.13 feet, to the Northeast corner of said Lot 4; thence South 01°58'31" East, along the East property line of said Lot 4, a distance of 43.00 feet; South 88°11'12" West, a distance of 5.00 feet; thence North 32°38'33" West, a distance of 44.26 feet; thence South 88°11'12" West, a distance of 32.06 feet; thence South 01°48'48" East, a distance of 14.00 feet; thence South 88°11'12" West, a distance of 20.00 feet; thence North 01°48'48" West, a distance of 14.00 feet; thence South 88°11'12" West, a distance of 57.50 feet, to a point on the West property line of said Lot 4; thence North 01°58'31" West, along said West property line, a distance of 5.00 feet to the **Point of Beginning**.

The above described parcel contains 1,585 square feet or 0.036 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 18

OWNERSHIP: Maegrace II, LLC

PARTIES IN POSSESSION: Maegrace II, LLC, and all other easement holders of record and parties in possession

SITUS ADDRESS: N/A.

JOHNSON COUNTY PARCEL ID NUMBER: DP53560000 0007

LIENHOLDER: Natixis Real Estate Capital LLC,

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Kansas City Power & Light Company

Atmos Energy Corporation

Rural Water District No. 4, Johnson County, Kansas

Temporary Construction Easement Description

All that part of Lot 7, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northeast, Northwesterly corner of said Lot 7, also a point on the South Right-of-Way of W. 119th Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 52.93 feet, to the Northeast, Northeasterly corner of said Lot 7; thence South 02°02'08" East, along the Northeast, Easterly property line of said Lot 7, a distance of 43.00 feet; South 88°11'12" West, a distance of 52.97 feet, to a point on the Northeast, Westerly property line of said Lot 7; thence North 01°58'31" West, along said Westerly property line, a distance of 43.00 feet to the **Point of Beginning**.

The above described parcel contains 2,277 square feet or 0.052 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 19

OWNERSHIP: Maegrace II, LLC

PARTIES IN POSSESSION: Maegrace II, LLC, and all other easement holders of record and parties in possession

SITUS ADDRESS: 16411 W. 119th St.

JOHNSON COUNTY PARCEL ID NUMBER: DP53560000 0005

LIENHOLDER: Natixis Real Estate Capital LLC,

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Kansas City Power & Light Company

Atmos Energy Corporation

Rural Water District No. 4, Johnson County, Kansas

Public Street Dedication Description

All that part of Lot 5, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Commencing at the Northwest corner of said Lot 5, also a point on the South Right-of-Way of W. 119th Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 20.76 feet to the **Point of Beginning**; thence North 01°48'48" West, along said South Right-of-Way, a distance of 11.00 feet; thence North 88°11'12" East, along said South Right-of-Way, a distance of 160.58 feet; thence along a curve to the right, with an initial tangent bearing of South 85°09'17" West, a radius of 3872.00 feet, and an arc length of 150.59 feet; thence South 57°36'03" West, a distance of 11.72 feet to the **Point of Beginning**.

The above described parcel contains 534 square feet or 0.012 acres, more or less.

Temporary Construction Easement Description

All that part of Lot 5, of OLATHE ENTERTAINMENT DISTRICT, FOURTH PLAT, a subdivision in the City of Olathe, filed in Book 200712, at Page 5161 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 5, also a point on the South Right-of-Way of W. 1191h Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 20.76 feet; thence North 57°36'03" East, a distance of 11.72 feet; thence along a curve to the left, with an initial tangent bearing of North 87°22'59" East, a radius of 3872.00 feet, and an arc length of 150.59 feet, to a point on said South Right-of-Way; thence North 88°11'12" East, along said South Right-of-Way, a distance of 49.24 feet to the Northeast corner of said Lot 5; thence South 01°58'31" East, along the East property line of said Lot 5, a distance of 3.05 feet; thence South 85°27'35" West, a distance of 40.91 feet; thence South 56°27'10" West, a distance of 17.11 feet; thence South 88°11'12" West, a distance of 165.00 feet; thence South 05°18'42" West, a distance of 40.31 feet; thence South 88°11'12" West, a distance of 5.00 to a point on the West property line of said Lot 5; thence North 02°02'08" West, along said West property line, a distance of 43.00 feet to the **Point of Beginning**.

The above described parcel contains 2,297 square feet or 0.053 acres, more or less.

I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 20

OWNERSHIP: National Retail Properties, LP

PARTIES IN POSSESSION: Main Event Entertainment, LP, and all other easement holders of record and parties in possession

SITUS ADDRESS: 11950 S. Kansas City Rd.

JOHNSON COUNTY PARCEL ID NUMBER: DP53560000 0011

LIENHOLDER: Unknown

EASEMENT HOLDER: City of Olathe, Johnson County, and All Public Utility Companies

Kansas City Power & Light Company

Atmos Energy Corporation

Rural Water District No. 4, Johnson County, Kansas

Public Street Dedication Description

All that part of Lot 11, of OLATHE ENTERTAINMENT DISTRICT, SIXTH PLAT, a subdivision in the City of Olathe, filed in Book 201601, at Page 1251 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northeast corner of said Lot 11, also the intersection of the South Right-of-Way of W. 119th Street and the Westerly Right-of-Way of N. Kansas City Road; thence South 33°24'08" West, along said Westerly Right-of-Way, a distance of 50.00 feet; thence North 74°30'51" West, a distance of 137.38 feet to a point on said South Right-of-Way; thence North 88°11'12" East, along said South Right-of-Way, a distance of 160.00 feet to the **Point of Beginning**.

The above described parcel contains 3,268 square feet or 0.075 acres, more or less.

Temporary Construction Easement No. 1 Description

All that part of Lot 11, of OLATHE ENTERTAINMENT DISTRICT, SIXTH PLAT, a subdivision in the City of Olathe, filed in Book 201601, at Page 1251 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20,

Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Beginning at the Northwest corner of said Lot 11, also a point on the South Right-of-Way of W. 119th Street; thence North 88°11'12" East, along said South Right-of-Way, a distance of 64.14 feet; thence South 85°27'35" West, a distance of 64.21 feet to a point on the West property line of said Lot 11; thence North 01°58'31" West, along said West property line, a distance of 3.05 feet to the **Point of Beginning**.

The above described parcel contains 98 square feet or 0.002 acres, more or less.

Temporary Construction Easement No. 2 Description

All that part of Lot 11, of OLATHE ENTERTAINMENT DISTRICT, SIXTH PLAT, a subdivision in the City of Olathe, filed in Book 201601, at Page 1251 in the Johnson County Register of Deeds Office, lying in the Northwest Quarter of Section 20, Township 13 South, Range 24 East of the 6th Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

Commencing at the Northeast corner of said Lot 11, also the intersection of the South Right-of-Way of W. 119th Street and the Westerly Right-of-Way of N. Kansas City Road; thence South 33°24'08" West, along said Westerly Right-of-Way, a distance of 50.00 feet to the **Point of Beginning**; thence continuing along said Westerly Right-of-Way, South 33°24'08" West, a distance of 25.71 feet; thence North 69°19'26" West, a distance of 161.71 feet to a point on the said South Right-of-Way; thence North 88°11'12" East, along said South Right-of-Way, a distance of 33.07 feet; thence South 74°30'51" East, a distance of 137.38 feet to the **Point of Beginning**.

The above described parcel contains 2,703 square feet or 0.062 acres, 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 public street dedications, permanent utility easements, temporary construction easements, and fee simple title to property for constructing the I-35 & 119th Street Interchange Improvements Project, PN 3-C-026-16 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 5th day of May, 2020.

SIGNED by the Mayor this 5th day of May, 2020.

Michael E. Copeland
Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

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.