

ORDINANCE NO. 20-20

AN ORDINANCE AMENDING SECTION FOUR OF ORDINANCE NO. 19-83 PERTAINING TO THE LEGAL DESCRIPTION OF LAND TO BE ACQUIRED TO CONSTRUCT THE BROUGHAM DRIVE REGIONAL DETENTION BASIN PROJECT, PN 2-C-002-16.

WHEREAS, On December 17th, 2019, the Governing Body passed Ordinance No. 19-83, which approved a description and survey of lands and authorized the city to acquire by eminent domain proceedings certain land described in that Ordinance; and

WHEREAS, On May 8th, 2020, the City was granted certain waivers by the state of Kansas that reduced the amount of the land required for this project; and

WHEREAS, The City desires to reduce the amount of land to be acquired by amending Ordinance No. 19-83 to describe the land needed for the project, taking the May 8th, 2020 waivers into account.

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

SECTION ONE: Section Four of Ordinance No. 19-83 is hereby amended to read as follows:

“SECTION FOUR: That there is hereby declared to be public necessity to acquire by Eminent Domain Proceedings for the purpose of for constructing an earthen embankment and reinforced concrete box culverts for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16, the land hereinafter described:

BROUGHAM DRIVE REGIONAL DETENTION BASIN PROJECT – TRACT NO. 1

OWNERSHIP: Stonebridge Land & Cattle, LLC, a
Kansas limited liability company

PARTIES IN POSSESSION: All Unknown Leases

SITUS ADDRESS: No Situs Address, Olathe, Kansas

JOHNSON COUNTY PARCEL ID NUMBER: DF241419-1001

LIENHOLDER: North American Savings Bank, F.S.B.

EASEMENT HOLDER: Consolidated Main Sewer District of
Johnson County, Kansas

City of Olathe

Rural Water District No. 5, Johnson
County, Kansas

Kansas City Power & Light Company

PERMANENT DRAINAGE EASEMENT DESCRIPTION

All those parts of the Northwest Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

P.D.E. 1: Commencing at the Northwest corner of said Section 19; thence South 02°03'15" East, along the West line of said Section 19, a distance of 706.10 feet; thence North 87°56'45" East, departing said West line, a distance of 1181.89 feet to a point of deflection in the Northerly line of a tract of land as described in a Kansas Special Warranty Deed to Stonebridge Land & Cattle, LLC, being recorded with the Johnson County Register of Deeds on January 24, 2019, in Book 201901, at Page 004907; thence in a Northerly direction on a non-tangent curve to the right with a radius of 50.00 feet, having an initial tangent bearing of North 04°18'09" East, a central angle of 23°32'27" and an arc length of 20.54 feet to, the Point of Beginning; thence Northerly, Easterly, and Southerly, continuing along the Northerly line of said tract of land, around a curve to the right with a radius of 50.00 feet, an additional central angle of 170°30'53" and an arc length of 148.80 feet;

thence North 66°53'58" West a distance of 99.66 feet to the Point of Beginning. Containing 3,514 square feet, more or less.

AND

P.D.E. 2: Commencing at the Northwest corner of said Section 19; thence South 02°03'15" East, along the West line of said Section 19, a distance of 793.30 feet; thence North 87°56'45" East, departing said West line, a distance of 1302.93 feet to a point on the Northerly line of a tract of land as described in a Kansas Special Warranty Deed to Stonebridge Land & Cattle, LLC, being recorded with the Johnson County Register of Deeds on January 24, 2019, in Book 201901, at Page 004907, said point being the Point of Beginning; thence South 79°12'00" East, along said Northerly line, a distance of 38.02 feet to the most Northeasterly corner of said tract of land; thence South 10°48'00" West, along the Westerly line of said tract of land, a distance of 70.00 feet; thence North 27°15'46" West a distance of 61.67 feet; thence North 10°48'00" East a distance of 21.45 feet to the Point of Beginning. Containing 1,738 square feet, more or less.

The bearings used in this description are Grid North, based on the Kansas State Plane Coordinate System, North Zone, NAD83.

AND

ACCESS EASEMENT DESCRIPTION:

All that part of the Northwest Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Commencing at the North Quarter Corner of said Section 19; thence South 02°25'06" East, along the East line of the Northwest Quarter of said Section 19, a distance of 113.83 feet to its intersection with the South right-of-way line of West 167th Street, as now established, said intersection being the Point of Beginning; thence South 02°25'06" East, continuing along the East line of the Northwest Quarter of said Section 19, a distance of 744.55 feet to its intersection with the North line of a tract of land as described in a Special Limited Liability Company Warranty Deed to the City of Olathe, being recorded with the Johnson County Register of Deeds on September 28, 2018, in Book 201809, at Page 007963; thence North 80°19'45" West, along the North line of said tract of land, a distance of 20.45 feet to a point on the West line of the East 20.00 feet of the Northwest Quarter of said Section 19; thence North 02°25'06" West, along the West line of the East 20.00 feet of the Northwest Quarter of said Section 19, a distance of

741.34 feet to its intersection with the South right-of-way line of said West 167th Street; thence South 89°20'25" East, along said South right-of-way line, a distance of 20.03 feet to the Point of Beginning.

Containing 14,859 square feet, more or less.

The bearings used in this description are Grid North, based on the Kansas State Plane Coordinate System, North Zone, NAD83.

BROUGHAM DRIVE REGIONAL DETENTION BASIN PROJECT – TRACT NO. 2

OWNERSHIP: Stonebridge Land & Cattle, LLC, a
Kansas limited liability company

PARTIES IN POSSESSION: All Unknown Leases

SITUS ADDRESS: No Situs Address, Olathe, Kansas

JOHNSON COUNTY PARCEL ID NUMBER: DF241420-1001

LIENHOLDER: North American Savings Bank, F.S.B.

EASEMENT HOLDER: Consolidated Main Sewer District of
Johnson County, Kansas

City of Olathe

Water District No. 1 of Johnson County
Kansas

PERMANENT DRAINAGE EASEMENT DESCRIPTION

All those parts of the Northwest Quarter of Section 20, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Beginning at the Northwest corner of Tract E2, FOREST HILLS ESTATES, SECOND PLAT, a subdivision of record in the City of Olathe, Johnson County, Kansas; thence North 88°01'29" East, along the North line of said Tract E2, a distance of 250.38 feet to the Southwest corner of a tract of land as described in a Special Limited Liability Company Warranty Deed to the City of Olathe, being recorded with the Johnson County Register of Deeds on September 28, 2018, in Book 201809, at Page 007961; thence North 19°12'42" East, along the West line of said tract, a distance of 462.64 feet; thence North 25°43'49" West a distance of 46.29 feet; thence South 56°10'42" West a distance of 56.96 feet; thence South 59°48'30" West a distance of 117.15 feet; thence South 67°52'52" West a distance of 148.85 feet; thence South 71°18'09" West a distance of 196.80 feet; thence South 55°01'13" East a distance of 132.42 feet; thence South 49°49'30" East a distance of 66.22 feet; thence South 62°49'13" West a distance of 63.35 feet; thence North 88°57'22" West a distance of 110.77 feet; thence North 22°44'56"

West a distance of 44.53 feet; thence South 74°54'21" West a distance of 110.04 feet; thence South 27°35'24" West a distance of 44.40 feet; thence North 87°34'54" West a distance of 51.52 feet; thence South 81°59'59" West a distance of 72.36 feet; thence South 86°02'46" West a distance of 127.66 feet; thence North 65°08'18" West a distance of 34.44 feet; thence North 04°34'14" East a distance of 50.81 feet; thence North 69°45'10" West a distance of 66.03 feet; thence South 25°17'57" West a distance of 62.97 feet; thence South 89°03'39" West a distance of 174.35 feet to a point on the East right-of-way line of Mur-Len Road as now established; thence South 02°22'36" East, along said East right-of-way line, a distance of 59.10 feet; thence North 71°06'10" East a distance of 93.48 feet; thence South 48°26'27" East a distance of 59.08 feet; thence South 68°56'25" East a distance of 58.21 feet; thence North 68°26'43" East a distance of 38.49 feet; thence North 72°04'46" East a distance of 29.69 feet; thence South 83°14'10" East a distance of 34.50 feet; thence North 82°18'53" East a distance of 41.21 feet; thence South 87°17'28" East a distance of 21.62 feet; thence South 86°29'36" East a distance of 31.39 feet; thence North 68°48'32" East a distance of 48.61 feet; thence North 84°35'08" East a distance of 67.54 feet; thence North 88°26'10" East a distance of 47.22 feet; thence North 75°49'00" East a distance of 29.16 feet; thence North 84°14'15" East a distance of 17.94 feet; thence North 89°53'28" East a distance of 55.75 feet; thence South 67°23'31" East a distance of 29.31 feet; thence South 89°16'39" East a distance of 78.64 feet; thence South 64°56'01" East a distance of 32.05 feet; thence South 21°05'43" East a distance of 27.71 feet; thence South 07°50'08" West a distance of 32.24 feet to the Point of Beginning. Containing 169,108 square feet, more or less.

AND

Commencing at the Northeast corner of said Northwest Quarter of said Section 20; thence South 02°31'01" East, along the East line said Northeast Quarter of said Section 20, a distance of 1097.90 feet to the Point of Beginning; thence South 02°31'01" East, continuing along said East line, a distance of 47.63 feet to the Northeast corner of said tract of land as described in said Special Limited Liability Company Warranty Deed to the City of Olathe; thence North 81°00'08" West, along the North line of said tract of land, a distance of 17.31 feet; thence North 02°31'01" West a distance of 29.60 feet; thence North 14°18'20" West a distance of 9.56 feet; thence North 72°02'58" East a distance of 19.62 feet; to the Point of Beginning. Containing 748 square feet, more or less.

The bearings used in this description are Grid North, based on the Kansas State Plane Coordinate System, North Zone, NAD83."

SECTION TWO: 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 2nd day of June, 2020.

SIGNED by the Mayor this 2nd day of June, 2020.

Michael E. Copeland
Mayor

ATTEST:

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.