

## **ORDINANCE NO. 20-19**

**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. 20-1040, PASSED AND APPROVED BY THE GOVERNING BODY ON JUNE 2, 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, and permanent sewer easements 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, and permanent sewer easements 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, and permanent sewer easements 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. 8**

<b>OWNERSHIP:</b>	HD Development of Maryland, Inc.
<b>PARTIES IN POSSESSION:</b>	The Home Depot and all other easement holders of record and parties in possession
<b>SITUS ADDRESS:</b>	11850 S. Strang Line Rd.
<b>JOHNSON COUNTY PARCEL ID NUMBER:</b>	DP73760000 0001
<b>LIENHOLDER:</b>	Unknown
<b>EASEMENT HOLDER:</b>	City of Olathe and All Public Utility Companies  Atmos Energy Corporation  Kansas City Power & Light Company  Johnson County Rural Water District No. 4

**Public Street Dedication**

All that part of Lot 1, of THE HOME DEPOT - OLATHE, a subdivision in the City of Olathe, filed in Book 100, at Page 25 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 17, Township 13 South, Range 24 East of the 6<sup>th</sup> Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

**Beginning** at the Southeast corner of said Lot 1, also a point on the North Right-of-Way of W. 119<sup>th</sup> Street; thence along said North Right-of-Way line, also the South property line of said Lot 1 for the next three courses; course one, South 88°02'52" West , a distance of 350.77 feet; course two, North 89°00'06" West, a distance of 349.70 feet; course three, North 33°30'58" West, a distance of 12.35 feet; thence South 80°39'40" East, a distance of 38.03 feet; thence North 89°11'54" East, a distance of 89.26 feet; thence South 87°45'15" East, a distance of 37.62 feet; thence North 89°11'54" East, a distance 238.37 feet; thence North 00°48'06" West, a distance of 4.00 feet; thence North 89°11'54" East, a distance of 8.00 feet; thence South 00°48'06" East, a distance of 4.00 feet; thence North 89°11'54" East, a distance of 74.31 feet; thence South 87°35'12" East, a distance of 66.94 feet; thence North 88°02'52" East, a distance of 159.84 feet, to a point on Tract "A" of said THE HOME DEPOT – OLATHE plat; thence South 41°48'51" West, along the westerly line of said Tract "A", a distance of 6.92 feet, to a point on said North Right-of-Way line of W.

## 119<sup>th</sup> Street and the **Point of Beginning**.

The above described parcel contains 5,696 square feet or 0.131 acres, more or less.

### **Permanent Utility Easement**

All that part of Lot 1, of THE HOME DEPOT - OLATHE, a subdivision in the City of Olathe, filed in Book 100, at Page 25 in the Johnson County Register of Deeds Office, lying in the Southeast Quarter of Section 17, Township 13 South, Range 24 East of the 6<sup>th</sup> Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

**Commencing** at the South, Southwesterly corner of said Lot 1, also a point on the North Right-of-Way of W. 119<sup>th</sup> Street; thence along said North Right-of-Way line, also the South property line of said Lot 1, North 33°30'58" West, a distance of 12.35 feet to the **Point of Beginning**; thence continuing along said Right-of-Way line, North 33°30'58" West, a distance of 13.64 feet; thence South 80°39'40" East, a distance of 46.42 feet; thence North 89°11'54" East, a distance 88.64 feet; thence South 87°45'15" East, a distance of 37.62 feet; thence North 89°11'54" East, a distance of 320.69 feet; thence South 87°35'12" East, a distance of 66.84 feet; thence North 88°02'52" East, a distance of 154.41 feet, to a point on an existing drainage, detention and utility easement, of said THE HOME DEPOT – OLATHE plat; thence South 02°57'08" East, along said existing utility easement, a distance of 10.00 feet; South 88°02'52" West, a distance of 154.96 feet; thence North 87°35'12" West, a distance of 66.94 feet; thence South 89°11'54" West, a distance of 74.31 feet; thence North 00°48'06" West, a distance of 4.00 feet; thence South 89°11'54" West, a distance of 8.00 feet; thence South 00°48'06" East, a distance of 4.00 feet; thence South 89°11'54" West, a distance of 238.37 feet; thence South 87°45'15" West, a distance of 37.62 feet; thence South 89°11'54" West, a distance of 89.26 feet; thence North 80°39'40" West, a distance of 38.03 feet, to a point on said North Right-of-Way line of W. 119<sup>th</sup> Street and the **Point of Beginning**.

The above described parcel contains 7,079 square feet or 0.163 acres, more or less.

**I-35 & 119TH STREET INTERCHANGE IMPROVEMENTS PROJECT - TRACT NO. 14**

**OWNERSHIP:** Maegrace LLC

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

**SITUS ADDRESS:** 12008 S. Renner

**JOHNSON COUNTY PARCEL ID NUMBER:** DF241319 3010

**LIENHOLDER:** Maegrace LLC

**EASEMENT HOLDER:** The City of Olathe  
  
Kansas City Power & Light Company

**Permanent Utility Easement**

All that part of the Northeast Quarter of Section 19, Township 13 South, Range 24 East of the 6<sup>th</sup> Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

**Commencing** at the Northeast corner of said Northeast Quarter; thence South 02°07'45" East along the East line of the Northeast Quarter of said Section 19, a distance of 130.52 feet; thence South 87°52'15" West perpendicular from last course, a distance of 87.00 feet to a point on the West Right-of-Way of Renner Blvd., also the **Point of Beginning**; thence South 02°07'45" East, along said West Right-of-Way, a distance of 83.18 feet; thence South 87°52'15" West, leaving said West Right-of-Way, a distance of 10.00 feet; thence North 02°07'45" West, a distance of 79.52 feet; thence North 42°18'31" West, a distance of 11.08 feet; thence South 87°28'44" West, a distance of 48.33 feet; thence North 02°31'16" West, a distance of 10.00 feet; thence South 87°28'44" West, a distance of 227.07 feet; thence North 86°43'03" West, a distance of 286.76 feet; thence South 87°28'44" West, a distance of 311.73, to a point on the North Right-of-Way of said W. 119<sup>th</sup> Street; thence North 49°54'40" East, a distance of 16.40 feet; thence North 87°28'44" East, a distance of 299.24 feet; thence South 86°43'03" East, a distance of 286.76 feet; thence North 87°28'44" East, a distance of 271.25 feet to a point on the West Right-of-Way of said Renner Blvd.; thence South 42°18'31" East along said West Right-of-Way, a distance of 32.44 feet to the **Point of Beginning**.

The above described parcel contains 10,152 square feet or 0.233 acres, more or less.

**Public Street Dedication**

All that part of the Northeast Quarter of Section 19, Township 13 South, Range 24

East of the 6<sup>th</sup> Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

**Commencing** at the Northeast corner of said Northeast Quarter; thence South 87°28'44" West along the North line of the Northeast Quarter of said Section 19, a distance of 112.39 feet; thence South 02°31'16" East perpendicular form last course, a distance of 100.50 feet to a point on the North Right-of-Way of W. 119<sup>th</sup> Street, also the **Point of Beginning**; thence South 42°18'31" East, along said North Right-of-Way, a distance of 5.85 feet; thence South 87°28'44" West, leaving said North Right-of-Way, a distance of 271.25 feet; thence North 86°43'03" West, a distance of 286.76 feet; thence South 87°28'44" West, a distance of 260.75 feet to a point on the North Right-of-Way of said W. 119<sup>th</sup> Street; thence North 42°28'44" East, a distance of 16.97 feet; thence North 87°28'44" East, a distance of 39.17 feet; thence easterly along a curve to the right, said curve being tangent to the last course, a radius of 2486.00 feet and an arc distance of 126.36 feet; thence South 89°36'32" East, a distance of 245.12 feet; thence South 82°48'57" East, a distance of 123.59 feet; thence North 87°28'44" East, a distance of 269.45 feet to the **Point of Beginning**.

The above described parcel contains 6,135 square feet or 0.141 acres, more or less

#### **Permanent Sewer Easement**

All that part of the Northeast Quarter of Section 19, Township 13 South, Range 24 East of the 6<sup>th</sup> Principal Meridian, in the City of Olathe, Johnson County, Kansas, and more particularly described as follows:

**Commencing** at the Northeast corner of said Northeast Quarter; thence South 87°28'44" West along the North line of the Northeast Quarter of said Section 19, a distance of 247.84 feet; thence South 02°31'16" East perpendicular form last course, a distance of 105.00 feet to a point on the North Right-of-Way of W. 119<sup>th</sup> Street, also the **Point of Beginning**; thence South 02°31'16" East, a distance of 30.00 feet; thence South 87°28'44" West, a distance of 20.00 feet; thence North 02°31'16" West, a distance of 30.00 feet to a point on the North Right-of-Way of said W. 119<sup>th</sup> Street; thence North 87°28'44" East, a distance of 20.00 feet to the **Point of Beginning**.

The above described parcel contains 600 square feet or 0.014 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 2<sup>nd</sup> day of June, 2020.

**SIGNED** by the Mayor this 2<sup>nd</sup> day of June, 2020.

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Michael E. Copeland  
Mayor

ATTEST:

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City Clerk

(SEAL)

APPROVED AS TO FORM:

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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.