

ORDINANCE NO. 2654

AN ORDINANCE condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191st Street Realignment Project located within the City of Gardner, Johnson County, Kansas, and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER, KANSAS:

The following described land is hereby condemned and appropriated to the City of Gardner, Kansas for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191st Street Realignment Project, all within the City of Gardner, Johnson County, Kansas, to-wit:

See Exhibit "A", which is attached hereto and incorporated herein by reference;

1. It is hereby found that the costs of such project will be paid by the City of Gardner, Kansas and the Kansas Department of Transportation.
2. The City Attorney is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above-described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
3. This ordinance shall take effect and be in force after its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF GARDNER, KANSAS THIS 2nd DAY OF MARCH, 2020.

_____/s/_____
Steve Shute, Mayor

ATTEST:

_____/s/_____
Sharon Rose
City Clerk

APPROVED AS TO FORM:

_____/s/_____
Ryan Denk
City Attorney

EXHIBIT A

Project Tract No. 3

Fee Simple Owner: RS Associates, LLC
c/o Rakesh Gupta, Registered Agent
13316 W. 138th Street
Overland Park, Kansas

Legal Description of the Real Property to be acquired for Permanent Utility Easement

All that part of Lot 1, SHEAN'S SETTLEMENT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1; thence N 2° 32' 06" W along the West line of said Lot 1, a distance of 42.07 feet; thence departing said West line N 87° 27' 54" E, a distance of 20.00 feet to a point on the East line of a 20 foot water line easement established by said plat, said point also being the Point of Beginning; thence N 2° 32' 06" W along said East line, a distance of 2.96 feet; thence departing said East line N 0° 14' 08" W, a distance of 41.59 feet to a point on the Southeasterly line of a 20 foot water line easement established by Book 5436 at Page 402 as recorded in the Register of Deeds Office, Johnson County, Kansas; thence N 43° 16' 53" E along said Southeasterly line, a distance of 29.05 feet; thence departing said Southeasterly line S 0° 14' 08" E a distance of 43.47 feet, to a point on the Northwesterly line of a 15 foot utility easement established by said plat; thence S 41° 41' 09" W along said Northwesterly line a distance of 29.76 feet, to the Point of Beginning, containing 881 square feet, more or less.

Legal Description of the Real Property to be acquired for Temporary Construction Easement:

All that part of Lot 1, SHEAN'S SETTLEMENT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence N 87° 27' 54" E, along the North line of said Lot 1, a distance of 10.00 feet, to the Point of Beginning; thence continuing N 87° 27' 54" E, along said North line, a distance of 145.00 feet; thence S 2° 32' 06" E, a distance of 47.70 feet; thence S 87° 27' 54" W, a distance of 102.32 feet; thence S 2° 32' 06" E, a distance of 7.08 feet; thence S 55° 04' 27" W, a distance of 41.07 feet; thence S 2° 32' 06" E, a distance of 60.00 feet; thence S 87° 27' 54" W, a distance of 8.00 feet to a point to be known hereinafter as Point A; thence N 2° 32' 06" W, a distance of 136.78 feet to the Point of Beginning;

and also:

Commencing at aforesaid mentioned Point A; thence S 2° 32' 06" E, a distance of 145.00 feet to the Point of Beginning; thence S 37° 45' 09" E, a distance of 104.04 feet; thence N 87° 27' 54" E, a distance of 40.00 feet; thence N 59° 34' 04" E, a distance of 192.35 feet; thence S 29° 06' 00" E, a distance of 30.25 feet to a point on a curve being the South line of said Lot 1; thence Southwesterly along a curve to the left, having an initial tangent bearing of S 59° 00' 43" W, a radius of 850.00 feet, a central angle of 3° 49' 15" and an arc distance of 56.68 feet to a point of non-tangency; thence S 34° 48' 32" E along said South line, a distance of 10.00 feet to a point on a curve; thence Southwesterly along a curve to the left, having an initial tangent bearing of S 55° 11' 28" W, a radius of 840.00 feet, a central angle of 13° 03' 20" and an arc distance of 198.00 feet to a point of tangency; thence S 41° 41' 09" W, a distance of 124.04 feet; thence N 2° 32' 06" W, a distance of 272.45 to the Point of Beginning, which together contain 34,438 square feet, more or less.