

ORDINANCE NO. CON-3281

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE CONSTRUCTION OF MINI ROUNDABOUTS AT THE INTERSECTIONS OF 133RD STREET/132ND STREET & HEMLOCK AND 132ND STREET & FOSTER STREET, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS (PROJECT NO. ST-1928).

WHEREAS, the Governing Body of the City of Overland Park, Kansas, did by Resolution No. 4567 (the “Resolution”), declare the necessity for the acquisition of certain interests in property, and did authorize and direct a survey and description of lands or interests therein to be condemned by the City for certain improvements, specifically the construction of mini roundabouts at the intersections of 133rd Street/132nd Street & Hemlock and at 132nd Street & Foster Street, (the “Survey”); and

WHEREAS, the Resolution was published one time in an official City newspaper on the 12th day of November, 2019; and

WHEREAS, the Survey was filed with the City Clerk of the City of Overland Park, Kansas, on the 21st day of November, 2019.

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

Section 1. It is hereby authorized and provided that the lands or interests therein hereafter described be acquired for the purposes stated herein to construct certain public improvements, to wit:

The construction of mini roundabouts at the intersections of 133rd Street/132nd Street & Hemlock and 132nd Street & Foster Street, including the construction of curb, sidewalk, storm sewers, street lights, signs, restoration, utility relocation and other items incidental to the construction and necessary appurtenances thereto. City of Overland Park Project Number ST-1928.

Tract 3

Owner: McDonald Land Holdings, LLC

PERMANENT SIDEWALK EASEMENT: 97 SQ FT

All that part of Lot 14, SOUTHCREEK BUSINESS PARK FOURTEENTH PLAT, a subdivision of land in Overland Park, Johnson County, Kansas (Bearings written herein are based upon the Kansas State Plane Coordinate System, 1983, Kansas North Zone) and being more particularly described as follows:

Beginning at the Southeast corner of Lot 14, said point being at the intersection of the Northerly right of way line of 132nd Street and the Westerly right of way line of Foster Street, as both have been

previously established and said point being on a curve to the left; thence along said curve to the left, having a chord bearing of North 58°16'12" West, a radius of 570.00 feet, for an arc distance of 15.95 feet to the beginning of a non-tangent curve to the left; thence along said curve to the left, having a chord bearing of North 62°24'54" East, a radius of 19.00 feet, for an arc distance of 27.35 feet; thence North 21°11'05" East, a distance of 1.49 feet; thence South 67°05'15" East, a distance of 0.46 feet to a point on the Westerly right of way line of said Foster Street and being on a non-tangent curve to the right; thence along said curve to the right and along said Westerly right of way line, having a chord bearing of South 24°20'46" West, a radius of 465.00 feet, for an arc distance of 23.27 feet to the **Point of Beginning**.

The above described tract contains 97 square feet calculated.

TEMPORARY CONSTRUCTION EASEMENT: 264 SQ FT

All that part of Lot 14, SOUTHCREEK BUSINESS PARK FOURTEENTH PLAT, a subdivision of land in Overland Park, Johnson County, Kansas (Bearings written herein are based upon the Kansas State Plane Coordinate System, 1983, Kansas North Zone) and being more particularly described as follows:

Commencing at the Southeast corner of Lot 14, said point being at the intersection of the Northerly right of way line of 132nd Street and the Westerly right of way line of Foster Street, as both have been previously established and said point being on a curve to the left; thence along said curve to the left, having a chord bearing of North 58°16'12" West, a radius of 570.00 feet, for an arc distance of 15.95 feet to the **Point of Beginning**; thence continuing along said curve to the left, having a radius of 570.00 feet, for an arc distance of 12.72 feet; thence North 80°57'04" East, a distance of 19.78 feet; thence North 61°07'14" East, a distance of 19.60 feet to a point on the Westerly right of way line of said Foster Street and said point being on a non-tangent curve to the right; thence along said curve to the right, having a chord bearing of South 22°30'00" West, a radius of 465.00 feet, for an arc distance of 6.69 feet; thence North 67°05'15" West, a distance of 0.46 feet; thence South 21°11'05" West, a distance of 1.49 feet to the beginning of a non-tangent curve to the right; thence along said curve to the right, having a chord bearing of South 62°24'54" West, a radius of 19.00 feet, for an arc distance of 27.35 feet to the **Point of Beginning**.

The above described tract contains 264 square feet calculated.

Section 2. It is further authorized and provided that, as soon as practicable after the passage of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501 *et seq.*, the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

Section 3. This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 16th day of December, 2019.

APPROVED by the Mayor this 16th day of December, 2019.

CITY OF OVERLAND PARK, KANSAS

(s) Carl Gerlach
Carl Gerlach, Mayor

(SEAL)

ATTEST:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

(s) Trevor L. Stiles
Trevor L. Stiles
Senior Assistant City Attorney