

ORDINANCE NO. CON-3291

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE REPLACEMENT OF STORM WATER INFRASTRUCTURE, 2020 MAJOR STORM SEWER REPAIR PROJECT, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS (PROJECT NO. MS-1587).

WHEREAS, the Governing Body of the City of Overland Park, Kansas, did by Resolution No. 4601 (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 (the “Survey”); and

WHEREAS, the Resolution was published one time in an official City newspaper on the 24th day of March, 2020; and

WHEREAS, the revised Survey was filed with the City Clerk of the City of Overland Park, Kansas, on the 4th day of June, 2020.

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 City’s 2020 Major Storm Sewer Repair project (MS-1587) consisting of the replacement of aging and deteriorating storm sewer infrastructure. This project includes the replacement of corrugated metal pipes and failing concrete pipes and associated storm sewer structures, and repair of wing walls, including restoration and other items incidental to the construction and necessary appurtenances thereto (the “Improvements”).

The general locations of the Improvements are at or near the following areas: W. 96th Terrace & Linden Street; 11616 W. 108th Street; W. 85th Terrace and Travis Lane; Frontage Rd., South of W. 75th Street; 8116 Barkley Lane; Shawnee Mission Parkway and Lowell Street; and 106th and Bond Street, all in the City of Overland Park, Kansas.

TRACT NO. 404

OWNERS: Peter Fink and Carolyn Fink

PERMANENT DRAINAGE EASEMENT

All that part of Lot 3, Block 2, ANTIOCH VILLAGE, a subdivision of record in the City of Overland Park, Johnson County, Kansas, together with a portion of Grant Circle lying North of and adjoining said Lot 3, said Block 2, as vacated by Ordinance No. VAC-1228, being recorded at the Johnson County Register of Deeds Office, in Book 2111, and Page 512, being described as follows:

Commencing at the Northwest corner of Lot 1, Block 2, of said ANTIOCH VILLAGE; thence North $57^{\circ} 31' 58''$ West a distance of 49.66 feet to a point on the West line of said vacated portion of said Grant Circle, said West line also being the East right-of-way line of said Grant Circle as now established; thence South $32^{\circ} 28' 02''$ West, along said West line and said East right-of-way line, a distance of 72.38 feet to the Point of Beginning; thence South $17^{\circ} 59' 06''$ West, departing said West line and said East right-of-way line, a distance of 79.49 feet to a point on the Northerly right-of-way line of East Frontage Road as now established; thence North $64^{\circ} 12' 44''$ West, along said Northerly right-of-way line, a distance of 1.07 feet to a point on the East right-of-way line of said Grant Circle as now established; thence Northerly along said East right-of-way line of said Grand Circle, around a curve to the right that is non-tangent with the exit of the last described course, having an initial tangent bearing of North $02^{\circ} 36' 07''$ West, a central angle of $20^{\circ} 46' 03''$, and a radius of 125.00 feet, an arc distance of 45.31 feet; thence North $32^{\circ} 28' 02''$ East, continuing along said East right-of-way line of said Grand Circle, a distance of 36.15 feet to the Point of Beginning.

Containing 444 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.

TEMPORARY CONSTRUCTION EASEMENT

All that part of Lots 1, 2, and 3, Block 2, ANTIOCH VILLAGE, a subdivision of record in the City of Overland Park, Johnson County, Kansas, together with a portion of Grant Circle lying North and West of, and adjoining said Lots 1, 2, and 3, as vacated by Ordinance No. VAC-1228, being recorded at the Johnson County Register of Deeds Office, in Book 2111, and Page 512, being described as follows:

Commencing at the Northwest corner of said Lot 1; thence North $57^{\circ} 31' 58''$ West a distance of 49.66 feet to a point on the West line of said vacated portion of said Grant Circle, said West line also being the East right-of-way line of said Grant Circle as now established; thence South $32^{\circ} 28' 02''$ West, along said West line and said East right-of-way line, a distance of 15.00 feet to the Point of Beginning; thence South $32^{\circ} 28' 02''$ West, continuing along said West line and said East right-of-way line, a distance of 57.38 feet; thence South $17^{\circ} 59' 06''$ West, departing said West line and said East right-of-way line, a distance of 79.49 feet to a point on the Northerly right-of-way line of East Frontage Road as now established; thence Easterly, continuing along said Northerly right-of-way line, the following Three (3) described courses: One (1), South $64^{\circ} 12' 44''$ East a distance of 42.05 feet; Two (2), North $87^{\circ} 23' 55''$ East a distance of 206.51 feet; Three (3), Northeasterly along a curve to the left having a central angle of $32^{\circ} 39' 04''$, and a radius of 200.00 feet, an arc distance of 113.97 feet; thence North $35^{\circ} 15' 10''$ West, departing said Northerly right-of-way line,

a distance of 20.00 feet; thence Westerly along a line that is 20.00 feet North of and parallel with the Northerly right-of-way line of said Frontage Road the following Two (2) described courses: One (1), along a curve to the right that is non-tangent with the exit of the last described course, having an initial tangent bearing of South 54° 44' 50" West, a central angle of 32° 39' 04", and a radius of 180.00 feet, an arc distance of 102.58 feet; Two (2), South 87° 23' 55" West a distance of 93.19 feet; thence North 02° 36' 05" West a distance of 58.62 feet; thence North 57° 31' 58" West a distance of 109.22 feet to the Point of Beginning.

Containing 18,978 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.

TRACT NO. 405

OWNERS: Georgtown 75 2015 LLC

TEMPORARY CONSTRUCTION EASEMENT

All that part of Tract C, GEORGETOWN PROFESSIONAL PLAZA REPLAT, a subdivision of record in the City of Overland Park, Johnson County, Kansas, being described as follows:

Commencing at the Southwest corner of said Tract C; thence Northeasterly along the Northwest line of said Tract C, around a curve to the left having an initial tangent bearing of North 67° 13' 58" East, a central angle of 20° 26' 07", and a radius of 275.00 feet, an arc distance of 98.08 feet to the Point of Beginning; thence continuing along the Northwest line of said Tract C and said curve to the left an additional central angle of 04° 05' 33" and a radius of 275.00 feet, an arc distance of 19.64 feet; thence South 47° 17' 42" East, departing the North line of said Tract C, a distance of 5.00 feet; thence Southwesterly along a line that is 5.00 feet Southeasterly of and parallel with the Northwesterly line of said Tract C, around a curve to the right that is non-tangent with the exit of the last described course, having an initial tangent bearing of South 42° 42' 18" West, a central angle of 04° 05' 33", and a radius of 280.00 feet, an arc distance of 20.00 feet; thence North 43° 12' 09" West a distance of 5.00 feet to the Point of Beginning.

Containing 99 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.

TRACT NO. 501

OWNERS: Maxwell E. Miller

TEMPORARY CONSTRUCTION EASEMENT

All of the South 10.00 feet of the North 20.00 feet of the East 35.00 feet, and all of the South 5.00 feet of the North 10.00 feet of the East 80.00 feet of Lot 4, WOOD ACRES, a subdivision of record in the City of Overland Park, Johnson County, Kansas. Except all that part thereof lying within a Drainage Easement by Eminent Domain in the District Court of Johnson County, Kansas No. 4664, being recorded at the Johnson County Register of Deeds Office in Book 208, at Page 494.

Containing 713 square feet, more or less.

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 15th day of June, 2020.

APPROVED by the Mayor this 15th day of June, 2020.

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