

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CITY OF OVERLAND PARK, KANSAS,)	Case No. <u>20CV03810</u>
A Municipal Corporation,)	
)	Division 11
Plaintiff/Condemnor,)	
)	
)	Action Involves Title to
)	Real Property
vs.)	
)	
MAXWELL E. MILLER;)	
)	
MORTGAGE ELECTRONIC REGISTRATION)	
SYSTEMS, INC.;)	
)	
FAIRWAY INDEPENDENT MORTGAGE)	
CORPORATION;)	
)	
CONSOLIDATED SEWER MAIN DISTRICT)	
OF JOHNSON COUNTY, KS;)	
)	
THOMAS G. FRANZEN, IN HIS CAPACITY OF)	
TREASURER OF Johnson County)	
Treasurer's Department;)	
)	
ROUNDPOINT MORTGAGE;)	
)	
PETER FINK;)	
)	
CAROLYN FINK;)	
)	
MCIMETRO ACCESS TRANSMISSION)	
SERVICES, LLC;)	
)	
EVERGY, INC.;)	
)	
CERTIFIED TRANSMISSION)	
REBUILDERS, INC.;)	
)	
THE UNKNOWN TENANTS, HEIRS,)	
EXECUTORS, ADMINISTRATORS,)	
DEWISEES, TRUSTEES, CREDITORS,)	
SPOUSES, GUARDIANS, CONSERVATORS,)	
SUCCESSORS, AND ASSIGNS OF ALL)	

DEFENDANTS NAMED HEREIN AS)
WERE OR NOW SERVING IN)
ANY SIMILAR FIDUCIARY CAPACITY;)
AND ANY UNKNOWN PERSONS CLAIMING)
AN INTEREST IN THE REAL PROPERTY)
DESCRIBED HEREIN AND ANY UNKNOWN)
PERSONS IN POSSESSION OF THE REAL)
PROPERTY DESCRIBED HEREIN,)
)
Defendants.)

NOTICE OF APPRAISERS' HEARINGS AND VIEWINGS

Notice is hereby given that, in accordance with the provisions of Kansas Eminent Domain Procedure Act, K.S.A. 26-501, et seq., the Court-appointed appraisers will hold a public hearing in the Multi-Purpose Room (upper level) of the City of Overland Park Myron E. Scafe Building, 8500 Antioch Road, Overland Park, Kansas 66212, on Wednesday, December 2nd, 2020, at 9:00am. The Court-appointed appraisers will conduct their viewing immediately after the hearing.

The Court-appointed appraisers may hold hearings on the following day without further notice, and may continue the hearings thereafter from day to day or place to place until the hearings are concluded with respect to all properties involved in the action. Any party may present either oral or written testimony at the respective hearing.

At the hearings, the appraisers will hear evidence and testimony on all matters pertaining to the appraisal of compensation and the assessment of damages for the taking of the lands or interests therein sought to be acquired by the City of Overland Park in the above-entitled matter covering the following described lands:

TRACT NO. 501

OWNERS: Maxwell E. Miller, 8122 Barkley Ln., Overland Park, KS 66204

SITUS ADDRESS: 8122 Barkley St., Overland Park, KS 66204

DESCRIPTION OF LAND AND INTEREST SOUGHT:

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.

MORTGAGE HOLDERS OF RECORD:

-Mortgage Electronic Registration Systems, Inc., P.O. Box 2026, Flint, MI 48501

-Resident Agent: The Corporation Company, Inc., 112 SW 7th St., Ste. 3C, Topeka, KS 66603

-Fairway Independent Mortgage Corporation, 4201 Marsh Lane, Carrollton, TX 75007

-Resident Agent: Corporation Service Company, 2900 SW Wanamaker Dr., Suite 204, Topeka, KS 66614

By virtue of mortgage executed by Maxwell E. Miller, a single person to Mortgage Electronic Registration Systems, Inc. ("MERS"), as nominee for Fairway Independent Mortgage Corporation, dated April 18, 2018 recorded April 19, 2018 as Document No. 20180419-0005231; Book 201804, Page 005231.

EASEMENT HOLDERS OF RECORD:

-Consolidated Main Sewer District of Johnson County
c/o Johnson County Wastewater, 11811 S. Sunset Drive, Suite 2500, Olathe, KS 66061

By virtue of the terms and provisions of the Right-of-Way Grant to Lateral Sewer District #22-G Mission Township Main Sewer District No. 1, as recorded in Book 132 Misc., Page 262.

OTHER INTERESTED PARTIES:

-Thomas G. Franzen, Johnson County Treasurer, 111 S. Cherry Street, Suite 1500,
Olathe, Kansas 66061

-Any party claiming an interest by virtue of the *Covenants and Restrictions as shown
in the document recorded as Book 55, Page 166, titled "Declaration of Restrictions"*:

-Roundpoint Mortgage, 5032 Parkway Plaza, Charlotte, NC 28217

*By virtue of "ROUNDPOINT MORTGAGE" being listed on the Johnson County
Automated Information Mapping System under "Mortgage Info".*

-Unknown tenants, heirs, executors, administrators, devisees, trustees, creditors,
spouses, guardians, conservators, successors, and assigns of all defendants named herein
as were or now serving in any similar fiduciary capacity; and any unknown persons
claiming an interest in the real property described herein and any unknown persons in
possession of the real property described herein as interests sought in Tract 501.

TRACT NO. 404

OWNERS: Peter Fink and Carolyn Fink, 1801 S. 54th St., Omaha, NE 68106

SITUS ADDRESS: N/A

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° 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° 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° 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° 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° 36' 07" West, a central angle of 20° 46' 03", and a
radius of 125.00 feet, an arc distance of 45.31 feet; thence North 32° 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 $54^{\circ} 44' 50''$ West, a central angle of $32^{\circ} 39' 04''$, and a radius of 180.00 feet, an arc distance of 102.58 feet; Two (2), South $87^{\circ} 23' 55''$ West a distance of 93.19 feet; thence North $02^{\circ} 36' 05''$ West a distance of 58.62 feet; thence North $57^{\circ} 31' 58''$ 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.

MORTGAGE HOLDERS OF RECORD: N/A.

EASEMENT HOLDERS OF RECORD:

-MCIMetro Access Transmission Services, LLC, One Verizon Way, PO Box 627,
Basking Ridge, NJ 07920

-Resident Agent: The Corporation Company, Inc., 112 SW 7th St., Suite
3C, Topeka, KS 66603

*As successor to Brooks Fiber Communications of Missouri, Inc., by virtue of
Grant of Easement to Brooks Fiber Communications of Missouri, Inc., as
recorded in Book 5115, Page 228.*

-Evergny, Inc., 1200 Main Street, Kansas City, MO 64105

-Resident Agent: Corporation Service Company, 2900 SW Wanamaker
Dr., Ste. 204, Topeka, KS 66614

*By virtue of Easement to Kansas City Power & Light Company, as recorded in
Book 111 Misc., Page 98; and Easement to Kansas City Power & Light Company,
as recorded in Book 119 Misc., Page 313.*

-Consolidated Main Sewer District of Johnson County
c/o Johnson County Wastewater,
11811 S. Sunset Drive, Suite 2500, Olathe, KS 66061

*By virtue of Right of Way to Lateral Sewer District T-6, as recorded in Book 133
Misc.; Page 66.*

OTHER INTERESTED PARTIES:

-Certified Transmission Rebuilders, Inc., 1801 South 54th St., Omaha, NE 68106

-Resident Agent: CT Corporation System, 112 SW 7th St., Ste, 3C,
Topeka, KS 66603

-Thomas G. Franzen, Johnson County Treasurer, 111 S. Cherry Street, Suite 1500,
Olathe, Kansas 66061

-Any party claiming an interest by virtue of *Utility Easement reserved in City of
Overland Park Ordinance No. VAC-1288 for the vacation of Grant Circle, as
recorded in Book 2111, Page 512.*

-Unknown tenants, heirs, executors, administrators, devisees, trustees, creditors,
spouses, guardians, conservators, successors, and assigns of all defendants named herein
as were or now serving in any similar fiduciary capacity; and any unknown persons

claiming an interest in the real property described herein and any unknown persons in possession of the real property described herein as interests sought in Tract 404.

Respectfully submitted,

**THE CITY OF OVERLAND PARK,
KANSAS**

By: /s/ Trevor Stiles

Trevor L. Stiles KS #22999

Senior Assistant City Attorney

8500 Santa Fe Drive

Overland Park, KS 66212

Telephone: (913) 895-6084

Fax: (913)895-6084

E-mail: trevor.stiles@opkansas.org

ATTORNEY FOR PLAINTIFF