ORDINANCE NO. 19-16

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR WIDENING, CONSTRUCTING, RECONSTRUCTING AND MAINTAINING THE 119TH AND PFLUMM GEOMETRIC IMPROVEMENTS PROJECT, PN 3-C-071-18, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 19-1030, PASSED AND APPROVED BY THE GOVERNING BODY ON APRIL 16, 2019.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The description and survey of lands necessary to acquire permanent road right-of-way and temporary construction easements for widening, constructing, reconstructing and maintaining the 119th and Pflumm Geometric Improvements Project as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1030, adopted by the Governing Body of the City of Olathe, Kansas, on April 16, 2019, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring permanent road right-of-way and temporary construction easements for widening, constructing, reconstructing and maintaining the 119th and Pflumm Geometric Improvements Project has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of permanent road right-of-way and temporary construction easements for the widening, constructing, reconstructing and maintaining the 119th and Pflumm Geometric Improvements Project 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 widening, constructing, reconstructing and maintaining the 119th and Pflumm Geometric Improvements Project the land hereinafter described:
OWNERSHIP: DD Pflumm 27.25, LLC, a Georgia Limited Liability Company

PARTIES IN POSSESSION: DD Pflumm 27.25, LLC

SITUS ADDRESS: 12100 S. Pflumm Road
                Olathe, KS 66062

JOHNSON COUNTY PARCEL ID NUMBER: DP16480000 0001

LIENHOLDER: BOKF, NA, a national banking association, d/b/a Bank of Texas

EASEMENT HOLDER: Great Lakes Pipe Line Company
                  a/k/a Williams Pipe Line Company, LLC n/k/a Magellan Midstream Partners, L.P.
                  Kansas City Power & Light Company
                  Union Gas System, Inc. n/k/a Atmos Energy Corporation
                  United Cities Gas Company, Inc. n/k/a Atmos Energy Corporation
                  Kansas Pipeline Company, L.P. n/k/a Bishop Pipeline Company
                  Williams Communications, Inc.
                  Joint Sewer District No. 3 of Indian Creek Middle Basin Sewer Sub-District MC a/k/a Johnson County Wastewater
                  Consolidated Main Sewer District of Johnson County, Kansas a/k/a Johnson County Wastewater
                  Water District No. 1 of Johnson County a/k/a WaterOne
PERMANENT RIGHT-OF-WAY DESCRIPTION:

ALL THAT PART OF LOT 1, DAVIS DEVELOPMENT APARTMENTS OLATHE, A PLATTED SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE S 87°37'12" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 75.32 FEET; THENCE S 2°22'48" E, A DISTANCE OF 75.00 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 119TH STREET AND THE WEST RIGHT OF WAY LINE OF PFLUMM AS NOW ESTABLISHED, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE S 2°07'55" E, ALONG THE SAID WEST RIGHT OF WAY LINE, AND ALSO ALONG THE EAST LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 14.67 FEET; THENCE N 66°01'08" W, A DISTANCE OF 33.05 FEET, TO A POINT ON THE SAID SOUTH RIGHT OF WAY LINE, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE; THENCE N 87°37'12" E, ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 29.68 FEET TO THE POINT OF BEGINNING, CONTAINING 218 SQUARE FEET, MORE OR LESS.

Total Permanent Right-of-Way Area: 218 square feet, more or less

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

ALL THAT PART OF LOT 1, DAVIS DEVELOPMENT APARTMENTS OLATHE, A PLATTED SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE S 87°37'12" W, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21, A DISTANCE OF 255.00 FEET; THENCE S 2°22'48" E, A DISTANCE OF 75.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF 119TH STREET AS NOW ESTABLISHED, SAID POINT ALSO BEING ON THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING S 2°22'48" E, A DISTANCE OF 10.00 FEET; THENCE S 87°37'12" W, A DISTANCE OF 105.21 FEET; THENCE N 89°59'38" W, A DISTANCE OF 139.91 FEET; THENCE N 2°22'48" W, A DISTANCE OF 10.01 FEET, TO A POINT ON SAID SOUTH RIGHT OF WAY LINE, AND THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, THENCE S 89°59'38" E, ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF
LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, A DISTANCE OF 140.12 FEET; THENCE CONTINUING ALONG SAID SOUTH RIGHT OF WAY LINE, AND ALSO ALONG THE NORTH LINE OF LOT 1 OF SAID DAVIS DEVELOPMENT APARTMENTS OLATHE, N 87°37'12" E, A DISTANCE OF 105.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2,451 SQUARE FEET, MORE OR LESS.

Total Temporary Construction Easement Area: 2,451 square feet, 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 permanent road right-of-way/street and temporary construction easements for the widening, constructing, reconstructing and maintaining the 119th and Pflumm Geometric Improvements Project, 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 7th day of May, 2019.

SIGNED by the Mayor this 7th day of May, 2019.

Michael E. Copeland  
Mayor

ATTEST:

Emily K. Vincent  
City Clerk

(SEAL)

APPROVED AS TO FORM:

Ronald R. Shaver  
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.
STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of THE GARDNER NEWS, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Johnson County, Kansas and that said newspaper is a bi-weekly published at least weekly, 52 times a year; has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office in Gardner, Kansas in said county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks(s),

The first publication there of being made as aforesaid on May 15, 2019

Publications being made on the following:

EDITOR

SUBSCRIBED AND SWORN TO ME THIS: May 17, 2019
NOTARY PUBLIC

MY COMMISSION EXPIRES

COST-----------

ADDITIONAL COPIES------------------

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS---------------------

The within Proof Of Publication approved

-----------------------------------------------------------------------JUDGE


PUBLICATION SUMMARY OF ORDI-
NANCE NO. 19-18, PASSED BY THE
GOVERNING BODY OF THE CITY OF
OLATHE, KANSAS ON THE 7th DAY
OF MAY 2019.

SUMMARY

On May 7, 2019, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 19-18, approving a survey and authorizing the filing of a petition for eminent domain in the Johnson County, Kansas District Court. The ordinance regards the 119th and Pfumm Geometric Improvements Project 3-C-071-18. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website address http://www.olatheks.org/government/city-
clerk/public-notices, where a repro-
duction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 7th day of May, 2019.
/s/ Daniel Yoza
Daniel Yoza
Assistant City Attorney