ORDINANCE NO. 19-83


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

SECTION ONE: The description and survey of lands necessary to acquire an access easement and fee simple title to property in Olathe, Kansas for the construction of an earthen embankment and reinforced concrete box culverts on Coffee Creek along the future Brougham Drive alignment south of 167th Street and the future Lindenwood Drive alignment south of 167th Street for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 19-1067, adopted by the Governing Body of the City of Olathe, Kansas, on November 19th, 2019, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring an access easement and fee simple title to property for constructing an earthen embankment and reinforced concrete box culverts for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16, has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of an access easement and fee simple title to property for constructing an earthen embankment and reinforced concrete box culverts for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16, 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 for constructing an earthen embankment and reinforced concrete box culverts for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16, the land hereinafter described:
BROUGHAM DRIVE REGIONAL DETENTION BASIN PROJECT – TRACT NO. 1

OWNERSHIP: Stonebridge Land & Cattle, LLC, a Kansas limited liability company

PARTIES IN POSSESSION: All Unknown Leases

SITUS ADDRESS: No Situs Address, Olathe, Kansas

JOHNSON COUNTY PARCEL ID NUMBER: DF241419-1001

LIENHOLDER: North American Savings Bank, F.S.B.

EASEMENT HOLDER: Consolidated Main Sewer District of Johnson County, Kansas

City of Olathe

Rural Water District No. 5, Johnson County, Kansas

Kansas City Power & Light Company

PROPERTY DESCRIPTION:

All those parts of the Northwest Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Commencing at the Northwest corner of said Section 19; thence South 02°03'15" East, along the West line of said Section 19, a distance of 706.10 feet; thence North 87°56'45" East, departing said West line, a distance of 1181.89 feet to a point of deflection in the Northerly line of a tract of land as described in a Kansas Special Warranty Deed to Stonebridge Land & Cattle, LLC, being recorded with the Johnson County Register of Deeds on January 24, 2019, in Book 201901, at Page 004907 said point being the Point of Beginning; thence Northerly, Easterly, and Southerly, continuing along the Northerly line of said tract of land, 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 04°18'09" East, a central angle of 239°46'58", a radius of 50.00 feet, an arc distance of 209.25 feet to a point of
reverse curvature in said Northerly line; thence North 55°48'22" West, departing said Northerly line, a distance of 86.70 feet to the Point of Beginning. Containing 6,311 square feet, more or less.

And

Commencing at the Northwest corner of said Section 19; thence South 02°03'15" East, along the West line of said Section 19, a distance of 783.97 feet; thence North 87°56'45" East, departing said West line, a distance of 1262.02 feet to a point on the Northerly line of a tract of land as described in a Kansas Special Warranty Deed to Stonebridge Land & Cattle, LLC, being recorded with the Johnson County Register of Deeds on January 24, 2019, in Book 201901, at Page 004907, said point being the Point of Beginning; thence South 79°12'00" East, continuing along said Northerly line, a distance of 80.00 feet to the most Northeasterly corner of said tract of land; thence South 10°48'00" West, along the Easterly line of said tract of land, a distance of 100.00 feet; thence North 27°51'35" West, departing said Easterly line, a distance of 128.06 feet to the Point of Beginning. Containing 4,000 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.
**BROUGHAM DRIVE REGIONAL DETENTION BASIN PROJECT – TRACT NO. 2**

**OWNERSHIP:** Stonebridge Land & Cattle, LLC, a Kansas limited liability company

**PARTIES IN POSSESSION:** All Unknown Leases

**SITUS ADDRESS:** No Situs Address, Olathe, Kansas

**JOHNSON COUNTY PARCEL ID NUMBER:** DF241419-1001

**LIENHOLDER:** North American Savings Bank, F.S.B.

**EASEMENT HOLDER:** Consolidated Main Sewer District of Johnson County, Kansas  
City of Olathe  
Rural Water District No. 5, Johnson County, Kansas  
Kansas City Power & Light Company

**ACCESS EASEMENT DESCRIPTION:**

All that part of the Northwest Quarter of Section 19, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Commencing at the North Quarter Corner of said Section 19; thence South 02°25'06" East, along the East line of the Northwest Quarter of said Section 19, a distance of 113.83 feet to its intersection with the South right-of-way line of West 167th Street, as now established, said intersection being the Point of Beginning; thence South 02°25'06" East, continuing along the East line of the Northwest Quarter of said Section 19, a distance of 744.55 feet to its intersection with the North line of a tract of land as described in a Special Limited Liability Company Warranty Deed to the City of Olathe, being recorded with the Johnson County Register of Deeds on September 28, 2018, in Book 201809, at Page 007963; thence North 80°19'45" West, along the North line of said tract of land, a distance of 20.45 feet to a point on the West line of the East 20.00 feet of the Northwest Quarter of said Section 19; thence North 02°25'06" West, along the West line of the East 20.00 feet of the Northwest Quarter of said Section 19, a distance of 741.34 feet to its intersection with the South right-of-way line of said West 167th Street; thence South
89°20'25" East, along said South right-of-way line, a distance of 20.03 feet to the Point of Beginning.

Containing 14,859 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.
OWNERSHIP: Stonebridge Land & Cattle, LLC, a Kansas limited liability company

PARTIES IN POSSESSION: All Unknown Leases

SITUS ADDRESS: No Situs Address, Olathe, Kansas

JOHNSON COUNTY PARCEL ID NUMBER: DF241420-1001

LIENHOLDER: North American Savings Bank, F.S.B.

EASEMENT HOLDER: Consolidated Main Sewer District of Johnson County, Kansas

City of Olathe

Water District No. 1 of Johnson County Kansas

PROPERTY DESCRIPTION:

All that part of the Northwest Quarter of Section 20, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being described as follows:

Beginning at the Northwest corner of Tract E2, FOREST HILLS ESTATES, SECOND PLAT, a subdivision of record in the City of Olathe, Johnson County, Kansas; thence North 88°01'29" East, along the North line of said Tract E2, a distance of 250.38 feet to the Southwest corner of a tract of land as described in a Special Limited Liability Company Warranty Deed to the City of Olathe, being recorded with the Johnson County Register of Deeds on September 28, 2018, in Book 201809, at Page 007961; thence North 19°12'42" East, along the West line of said tract, a distance of 517.45 feet to the Northwest corner of said tract; thence North 59°15'25" West, departing said West line, a distance of 41.64 feet; thence South 49°19'11" West a distance of 101.58 feet; thence Southwesterly and Westerly along a curve to the right, having a central angle of 34°36'58", a radius of 98.00 feet, an arc distance of 59.21 feet; thence South 83°56'09" West a distance of 27.67 feet; thence South 48°22'42" West a distance of 71.46 feet; thence South 80°36'23" West a distance of 116.56 feet; thence South 45°47'46" West a distance of 56.16 feet; thence South 72°12'19" West a distance of 41.51 feet;
feet; thence South 77°26'49" West a distance of 53.16 feet; thence South 24°01'24" West a distance of 65.81 feet; thence South 41°48'09" West a distance of 49.86 feet; thence South 76°07'30" West a distance of 34.75 feet; thence South 21°50'10" West a distance of 17.89 feet; thence South 74°14'28" West a distance of 56.97 feet; thence South 49°45'47" West a distance of 30.53 feet; thence South 61°23'47" West a distance of 34.49 feet; thence South 89°31'58" West a distance of 19.28 feet; thence South 80°06'16" West a distance of 37.70 feet; thence South 70°26'54" West a distance of 62.84 feet; thence Southwesterly and Westerly along a curve to the right, having a central angle of 28°34'56", a radius of 50.00 feet, an arc distance of 24.94 feet; thence North 80°58'10" West a distance of 20.85 feet; thence Northwesterly and Westerly along a curve to the left, having a central angle of 17°48'52", a radius of 50.00 feet, an arc distance of 9.57 feet, an arc distance of 29.30 feet; thence South 67°48'43" East a distance of 26.56 feet; thence South 02°05'19" East a distance of 52.83 feet; thence Southwesterly, Westerly, and Northwesterly, 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 47°30'10" West, a central angle of 72°45'01", a radius of 38.13 feet, an arc distance of 48.41 feet; thence North 59°44'49" West a distance of 47.84 feet; thence North 62°15'14" West a distance of 41.37 feet; thence South 34°17'04" East a distance of 12.15 feet; thence South 54°21'59" East a distance of 15.19 feet; thence South 76°17'08" East a distance of 15.24 feet; thence Southeastery and Southerly, along a curve to the right, having a central angle of 90°36'41", a radius of 25.14 feet, an arc distance of 39.76 feet; thence Southeastery along said curve; thence South 18°56'16" East a distance of 15.25 feet; thence Southeastery along a curve to the left that is non-tangent with the exit of the last described course, having an initial tangent bearing of South 64°03'47" East, a central angle of 12°09'07", a radius of 192.63 feet, an arc distance of 40.86 feet; thence North 69°32'01" East a distance of 41.78 feet; thence North 65°54'36" East a distance of 40.26 feet; thence South 72°52'06" East a distance of 26.66 feet; thence North 83°11'52" East a distance of 47.71 feet; thence South 60°10'50" East a distance of 14.69 feet; thence South 85°25'39" East a distance of 34.96 feet; thence North 72°43'24" East a distance of 47.64 feet; thence North 84°35'08" East a distance of 67.54 feet; thence North 88°26'10" East a distance of 47.22 feet; thence North 75°49'00" East a distance of 29.16 feet; thence North 84°14'15" East a distance of 17.94 feet; thence South 83°26'25" East a distance of 58.61 feet; thence South 66°45'26" East a distance of 23.02 feet; thence South 85°53'02" East a distance of 83.67 feet; thence South 45°23'32" East a distance of 37.08 feet; thence South 06°08'02" East a distance of 27.51 feet; thence South 25°01'12" East a distance
of 9.22 feet to the Point of Beginning. Containing 188,183 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.
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 property for constructing an earthen embankment and reinforced concrete box culverts for the Brougham Drive Regional Detention Basin Project, PN 2-C-002-16 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 17th day of December, 2019.

SIGNED by the Mayor this 17th day of December, 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.
Brougham Drive Regional Detention Basin Project
PN 2-C-002-16
Project Location Map