

ORDINANCE NO. 24-45

AN ORDINANCE APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR CONSTRUCTING AND MAINTAINING THE ANIMAL SHELTER PROJECT, PN 6-C-007-23, AND PROCEEDING TO ACQUIRE CERTAIN REAL PROPERTY AS AUTHORIZED IN RESOLUTION NO. 24-1062, PASSED AND APPROVED BY THE GOVERNING BODY ON OCTOBER 15, 2024.

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

SECTION ONE: The description and survey of lands necessary to acquire fee simple title to real property in the City of Olathe, Kansas, for constructing and maintaining the Animal Shelter Project, PN 6-C-007-23, as prepared by the City Engineer or designee and filed with the City Clerk pursuant to Resolution No. 24-1062, adopted by the Governing Body of the City of Olathe, Kansas, on October 15, 2024, is hereby approved.

SECTION TWO: The action of the Governing Body of the City of Olathe, Kansas, in acquiring fee simple title to real property in the City of Olathe, Kansas, for constructing and maintaining the Animal Shelter Project, PN 6-C-007-23, has been declared necessary by the Governing Body.

SECTION THREE: The acquisition of fee simple title to real property in the City of Olathe, Kansas, for constructing and maintaining the Animal Shelter Project, PN 6-C-007-23, 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 fee simple title to real property in the City of Olathe, Kansas, for constructing and maintaining the Animal Shelter Project, PN 6-C-007-23, the land hereinafter described:

ANIMAL SHELTER PROJECT, PN 6-C-007-23 – TRACT 1

OWNERSHIP: Sutherland Lumber Company of Kansas City, LLC

PARTIES IN POSSESSION: Sutherland Lumber Company of Kansas City, LLC

SITUS ADDRESS: 1120 E. Santa Fe Street
Olathe, KS 66061

JOHNSON COUNTY PARCEL ID NUMBER: DF231325-4010

LIENHOLDER: None

EASEMENT HOLDER: City of Olathe, Kansas
Westar Energy, Inc., n/k/a Evergy, Inc.
Joyland Partnership No. 259
All other unknown easement holders of record

FEE SIMPLE TITLE DESCRIPTION:

All that part of the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 13, Range 23, in Olathe, in Johnson County, Kansas, lying Southeasterly of the right of way of the St. Louis and San Francisco Railroad, more particularly described as follows:

Beginning at a point on the East line of Section 25, Township 13S, Range 23 E, for a point of beginning, said point being 230 feet North of the Southeast corner of said Section; thence West 430 feet; thence S 0°14' W, a distance of 195 feet to a point 35 feet North of the South line of said Section; thence West and parallel to the South line of said Section 405.23 feet; thence North 247.6 feet to the South Right of way line of the S.L & S.F. Railroad; thence northeasterly along a curve to the right having a radius of 4533.75 feet for a distance of 262.97 feet; thence N 42°04' E along said right of way a distance of 998.39 feet to the East line of said Section; thence S 0°14' W a distance of 994.53 feet to the point of beginning.

Less and except the following six parcels:

PARCEL 1

Commencing at the Southeast corner of Section 25. Township 13, Range 23, now in the City of Olathe, Johnson County, Kansas: thence North 90 degrees West along the South line of said Section 25, a distance of 585.23 feet; thence North 0 degrees 16 minutes 40 seconds East, along a line parallel to the East line of said Section 25, a distance of 35 feet to the Point of Beginning of a tract of land herein described: thence North 0 degrees 16 minutes 40 seconds East along a line parallel to the East line of said Section 25, a distance of 190 feet; thence North 90 degrees West parallel to the South line of said Section 25, a distance of 80 feet; thence North 0 degrees 16 minutes 40 seconds East along a line parallel to the East line of said Section 25, a distance of 80 feet; thence North 90 degrees West along a line parallel to the South line of Section 25, a distance of 108 feet; thence South 55 degrees 14 minutes 15 seconds West, a distance of 77.16 feet; thence South 0 degrees 01 minutes 16 seconds East, a distance of 226 feet; thence North 90 degrees East along a line 35 feet North of and parallel to the South line of said Section 25. a distance of 250 feet to the Point of Beginning.

PARCEL 2

All that part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 13, Range 23 Johnson County, Kansas, more particularly described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 25; thence North 0 degrees 14 minutes 00 seconds East along the East line of said Southeast Quarter a distance of 230.00 feet; thence North 90 degrees West a distance of 30.0 feet to the true point of beginning of subject tract; thence North 90 degrees West a distance of 146.24 feet; thence North 4 degrees 38 minutes 30 seconds East a distance of 97.41 feet; thence North 89 degrees 43 minutes 00 seconds East a distance of 138.76 feet; thence South 0 degrees 14 minutes 00 seconds West a distance of 97.78 feet to the true point of beginning of subject tract; containing 0.3187 acres more or less and being subject to any easements or right-of-ways either recorded or unrecorded.

PARCEL 3

Beginning at the intersection of the Southerly Saint Louis and San Francisco Railroad right of way and the East line of the Southeast 1/4 of Section 25, Township 13S, Range 23E, Johnson County, Kansas; thence S 00° 14' W along said East line a distance of 784.39 feet; thence N 89° 46' W a distance of 185 feet; thence N 00° 02' 52" E a distance of 575.64 feet to the Southerly right of way line of the Saint Louis and San Francisco Railroad; thence N 42° 04' E along said right of way a distance of 280.17 feet to the Point of Beginning, containing 2.905 acres, more or less; subject to road right of way.

PARCEL 4

Part of the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 13S, Range 23E, Johnson County, Kansas, more particularly described as follows: Beginning at the Southwest corner of Lot 3, RIDGEVIEW PLAZA; thence N 89°46' W a distance of 12 feet; thence N 00°02'52" E parallel with the West line of said Lot 3 a distance of 206 feet; thence N 04°16'09" W a distance of 329.67 feet to the Southerly right of way line of the St. Louis

and San Francisco Railroad; thence N 42°04' E along said right of way line a distance of 55 feet to the Northwest corner of Lot 1, RIDGEVIEW PLAZA; thence S 00°02'52" W along the West line of said Lot 3 a distance of 574.64 feet to the Point of Beginning, containing 0.258 acres, more or less.

PARCEL 5

A certain triangular tract lying within the Southeast Quarter of the Southeast Quarter of Section 25, Township 13, Range 23, Johnson County, Kansas, all lying Southeasterly of the right-of-way line of the St. Louis & San Francisco Railroad, and North of Santa Fe Street right-of-way being more particularly described as follows:

Commencing at the Southeast corner of said Southeast $\frac{1}{4}$; thence 89 degrees 48 minutes 37 seconds West on the South line thereof, a distance of 833.49 feet (deeded North 90 degrees West 835.23 feet) to a point; thence North 00 degrees 01 minutes 16 seconds West, a distance of 40.50 feet to a point in the Northerly right-of-way line of Santa Fe Street as it now exists, said point being the point of beginning; thence North 89 degrees 48 minutes 37 seconds West on the said Northerly right-of-way line, a distance of 191.59 feet to a point in the Southeasterly right-of-way line of St. Louis and San Francisco Railroad said point being 40.50 feet North of the said South line of the Southeast $\frac{1}{4}$; thence North 38 degrees 31 minutes 23 seconds East (deeded North 38 degrees 20 minutes 00 seconds East) on the said railroad right-of-way, a distance of 273.75 feet to a point of curvature; thence Northeasterly on said railroad right-of-way on a curve to the right having a radius of 4,533.75 feet, a central angle of 00 degrees 25 minutes 27 seconds and a length of 38.55 feet (deeded 32.44 feet) to a point; thence South 00 degrees 01 minutes 16 seconds East, a distance of 240.98 feet (deeded 42.10 feet) to the Point of Beginning, except that part used or dedicated for streets, roads or highways.

AND EXCEPT:

All that part of the Southeast $\frac{1}{4}$ of Section 25, Township 13, Range 23, in the City of Olathe, Johnson County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Southeast $\frac{1}{4}$ of said Section 25; thence North 2°09'44" West, along the East line of the Southeast $\frac{1}{4}$ of said Section 25, a distance of 327.78 feet; thence South 87°35'46" West, a distance of 40.00 feet, to a point on the West right-of-way line of South Ridgeview Road, as now established, said point also being the true point of beginning of a subject tract; thence continuing South 87°18'46" West, a distance of 138.77 feet; thence South 2°14'16" West, a distance of 97.41 feet; thence South 87°35'46" West, a distance of 103.76 feet; thence North 2°09'44" West, a distance of 180.32 feet; thence North 87°50'16" East, a distance of 83.10 feet; thence North 2°20'52" West, a distance of 31.00 feet; to a point on the Westerly extension of the South line of Lot 3, RIDGEVIEW PLAZA, a subdivision in the City of Olathe, Johnson County, Kansas; thence North 87°50'16" East, along the South line of said Lot 3, and its extension, a distance of 157.00 feet, to the Southeast corner thereof, said point also being on the West right-of-way line of said South Ridgeview Road; thence South 2°09'44" East, along the West right-of-way line of said South Ridgeview Road, a distance of 112.58 feet, to the true point of beginning.

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 fee simple title to real property in the City of Olathe, Kansas, for constructing and maintaining the Animal Shelter Project, PN 6-C-007-23, 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 15th day of October, 2024.

SIGNED by the Mayor this 15th day of October, 2024.


John W Bacon (Oct 16, 2024 08:21 CDT)

John W. Bacon
Mayor


ATTEST:


Brenda D. Swearingian
City Clerk



(SEAL)

APPROVED AS TO FORM:


Ron Shaver (Oct 16, 2024 08:11 CDT)
Ronald R. Shaver
City Attorney