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ORDINANCE NO. 1403

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE CONSTRUCTION OF CERTAIN SECTIONS OF U.S. HIGHWAY 56 FROM EISENHOWER TO FIRST STREET IN THE CITY OF BALDWIN CITY, DOUGLAS COUNTY, KANSAS (PROJECT NO. 56-23 KA-4365-01).

WHEREAS, the Governing Body of the City of Baldwin City, Kansas (“the City”), did by Resolution No. 2018-24 (“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 11th day of November, 2018; and

WHEREAS, the Survey was filed with the City Clerk of the City Baldwin City, Kansas, on the 3rd day of May, 2019.

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 construction of the public improvements on U.S. Highway 56 from Eisenhower to First Street including widening US-56 two a three-lane roadway section and highway access improvements, with curb and gutter, sidewalk, shared use path, and storm sewer improvements, and all necessary appurtenances thereto.

TRACT NO. 3

OWNER(S): Leslie B. Foster

Temporary Construction Easement

A TRACT OF LAND IN LOT 16 AND LOT 18 ON BAKER STREET AND LOT 3, LOT 5, LOT 7, LOT 9, LOT 11, AND THE VACATED ALLEY BETWEEN SAID LOTS IN BALDWIN CITY, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID CHAPEL STREET WITH THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 56, SAID POINT OF BEGINNING BEING 98.49 FEET S.88°10'36"W. (BEING AN ASSUMED

BEARING) AND 708.11 FEET S.1°49'24"E. FROM THE NORTH QUARTER CORNER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 20 EAST; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56 N.60°04'34"W. 430.00 FEET; THENCE S.29°55'26"W. 5.00 FEET; THENCE PARALLEL AND 5.00 FEET SOUTHEASTERLY OF (MEASURED PERPENDICULAR TO) THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56 S.60°04'34"E. 421.91 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID CHAPEL STREET; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID CHAPEL STREET N.88°12'50"E. 9.51 FEET TO THE POINT OF BEGINNING, CONTAINING 2130 SQUARE FEET.

TRACT NO. 7

OWNER(S): Mark A. Shay

Permanent Drainage Easement

A TRACT OF LAND IN LOT 14 ON AMES STREET IN BALDWIN CITY, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF SAID LOT 14 WITH THE NORTH RIGHT-OF-WAY LINE OF US HIGHWAY 56, SAID POINT OF BEGINNING BEING 1874.84 FEET N.88°10'36"E. (BEING AN ASSUMED BEARING) AND 159.67 FEET S.1°49'24"E. FROM THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 20 EAST; THENCE ALONG THE EAST LINE OF SAID LOT 14 N.2°13'10"W. 27.91 FEET; THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 1990.05 FEET AN ARC LENGTH OF 33.31 FEET (CHORD OF SAID CURVE BEARS: N.66°28'14"W.33.31 FEET); THENCE S.2°13'10"E. 27.69 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56 ON A CURVE TO THE RIGHT WITH A RADIUS OF 1965.08 FEET AN ARC LENGTH OF 33.41 FEET (CHORD OF SAID CURVE BEARS: S.66°07'06"E. 33.41 FEET) TO THE POINT OF BEGINNING, CONTAINING 834 SQUARE FEET.

Temporary Construction Easement

A TRACT OF LAND IN LOT 14 AND LOT 15 ON AMES STREET IN BALDWIN CITY, DOUGLAS COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID LOT 15 WITH THE NORTH RIGHT-OF-WAY LINE OF US HIGHWAY 56, SAID POINT OF BEGINNING BEING 1773.31 FEET N.88°10'36"E. (BEING AN ASSUMED BEARING) AND 113.26 FEET S.1°49'24"E. FROM THE NORTHWEST CORNER OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 20 EAST; THENCE ALONG THE WEST LINE OF SAID LOT 15 N.2°12'07"W. 80.52 FEET; THENCE TO THE NORTHWEST CORNER OF SAID LOT 15; THENCE ALONG THE NORTH LINE OF SAID LOT 15 N.87°55'26"E. 25.00 FEET; THENCE PARALLEL TO AND 25.00 FEET EASTERLY OF (MEASURED PERPENDICULAR TO) THE WEST LINE OF SAID LOT 15 S.2°12'07"E. 75.03 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 1980.05 FEET AN ARC LENGTH OF 50.85 FEET (CHORD OF SAID CURVE BEARS: S.67°32'57"E. 50.85 FEET); THENCE S.2°13'10"E. 16.62 FEET

TO THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 56 ON A CURVE TO THE LEFT WITH A RADIUS OF 1965.08 FEET AN ARC LENGTH OF 78.24 FEET (CHORD OF SAID CURVE BEARS: N.67°44'46"W. 78.24 FEET) TO THE POINT OF BEGINNING, CONTAINING 2912 SQUARE FEET.

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 7th day of May, 2019.

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


CITY OF BALDWIN CITY, KANSAS



Casey Simoneau, Mayor

(SEAL)

ATTEST:



Laura E. Hartman, CMC
City Clerk



APPROVED AS TO FORM:



Blake Glover
City Attorney