

**ORDINANCE NO. 2813**

**AN ORDINANCE** condemning land for the for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a public sanitary sewer line in the vicinity of 175<sup>th</sup> Street and the Gardner Municipal Airport, within Gardner, Johnson County, Kansas and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER, KANSAS:**

The following described land is hereby condemned and appropriated to the City of Gardner, Kansas for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a public sanitary sewer line in the vicinity of 175<sup>th</sup> Street and the Gardner Municipal Airport, within Gardner, Johnson County, Kansas, to-wit:

*See Exhibit “A”, which is attached hereto and incorporated herein by reference;*

1. It is hereby found that the costs of such project will be paid by the City of Gardner, Kansas.
2. The City Attorney is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above-described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
3. This ordinance shall take effect and be in force after its passage, approval and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF GARDNER, KANSAS THIS 7<sup>th</sup> DAY OF OCTOBER, 2024.**

/s/  
\_\_\_\_\_  
Todd Winters  
Mayor

ATTEST:

/s/  
\_\_\_\_\_  
Renee Rich  
City Clerk

APPROVED AS TO FORM:

/s/  
\_\_\_\_\_  
Ryan Denk  
City Attorney

## EXHIBIT A

### Tract 1:

**Fee Simple Owner: Gordon Land, LLC**  
**Kansas Uniform Parcel ID: 046-138-27-0-20-01-002.00-0**

### **Legal Description of the Real Property Interests to be acquired:**

**A Permanent Sanitary Sewer Easement upon:** A tract of land in the Southwest Quarter of Section 22, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at the Southeast Corner of St. John's Trace, Tract A, recorded in Book 124 at Page 17, and at a point on the West line of a tract of land owned by the City of Gardner, recorded in Book 200503 at Page 000543; thence N 02°22'43" W 621.58 feet along the East line of said St. John's Trace, Tract A, and along the West line of said tract of land owned by the City of Gardner, to the Southwest Corner of Prairiebrook Village, Tract A, Open Space and Drainage Easement, recorded in Book 200708 at Page 5886, and to the Northwest Corner said tract of land owned by the City of Gardner; thence N 88°01'17" E 20.00 feet along the South line of said Prairiebrook Village, Tract A, and along the North line of said tract of land owned by the City of Gardner; thence S 02°22'43" E 621.64 feet; thence S 88°12'41" W 20.00 feet to the point of beginning, containing 12,432 square feet.

And

**A Permanent Sanitary Sewer Easement upon:** A tract of land in the Northwest Quarter of Section 27, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point on the East line of the West half of the Northwest Quarter of said Section 27, and on the South Right-of-way line of 175<sup>th</sup> Street, that is S 02°08'58" E 20.00 feet from the Northeast Corner of the West half of the Northwest Quarter of said Section 27; thence N 88°12'43" E 16.44 feet along said right-of-way line; thence S 01°45'17" E 55.67 feet; thence S 88°14'23" W 16.06 feet to said East line, and to the West line of a tract of land owned by the City of Gardner, recorded in Book 211 at Page 377; thence N 02°08'58" W 55.66 feet along both said lines to the point of beginning, containing 904 square feet.

And

**A Permanent Sanitary Sewer Easement upon:** A tract of land in the Northwest Quarter of Section 27, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point on the East line of the West half of the Northwest Quarter of said Section 27, and on the West line of a tract of land owned by the City of Gardner, recorded in Book 211 at Page 377, and on the East line of a tract of land owned by Gordon Land, LLC, recorded in Book 201805 at Page 001660, that is S 02°08'58" E 60.66 feet from the Northeast Corner of the West half of the Northwest Quarter of said Section 27; thence S 02°08'58" E 15.00 feet along said East lines and said West line; thence S 88°14'23" W 789.37 feet; thence S 86°48'05" W 398.93 feet; thence S 88°14'43" W 149.68 feet to the West line of the Northwest Quarter of said Section 27;

thence N 02°08'58" W 25.00 feet along said West line to a point that is S 02°08'58" E 60.00 feet from the Northwest Corner of said Section 27; thence N 88°14'25" E 1,337.92 feet to the point of beginning, containing 23,573 square feet.

And

**A Temporary Construction Easement upon:** A tract of land in the Southwest Quarter of Section 22, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point that is N 88°12'41" E 20.00 feet from the Southeast Corner of St. John's Trace, Tract A, recorded in Book 124 at Page 17; thence N 02°22'43" W 621.64 feet to a point on the South line of Prairiebrook Village, Tract A, Open Space and Drainage Easement, recorded in Book 200708 at Page 5886, and to a point on the North line of a tract of land owned by the City of Gardner, recorded in Book 200503 at Page 000543; thence N 88°01'17" E 10.00 feet along the South line of said Prairiebrook Village, Tract A, and along the North line of said tract of land owned by the City of Gardner; thence S 02°22'43" E 621.68 feet; thence S 88°12'41" W 10.00 to the point of beginning, containing 6,217 square feet.

And

**A Temporary Construction Easement upon:** A tract of land in the Northwest Quarter of Section 27, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point on the East line of the West half of the Northwest Quarter of said Section 27, and on the West line of a tract of land owned by the City of Gardner, recorded in Book 211 at Page 377, that is S 02°08'58" E 75.66 feet from the Northeast Corner of the West half of the Northwest Quarter of said Section 27; thence N 88°14'23" E 16.06 feet; thence N 01°45'17" W 55.67 feet to a point on the South Right-of-way line of 175<sup>th</sup> Street; thence N 88°12'43" E 5.00 feet along said right-of-way line; thence S 01°45'17" E 60.67 feet; thence S 88°14'23" W 21.02 to said lines; thence N 02°08'58" W 5.00 feet along said lines to the point of beginning, containing 384 square feet.

And

**A Temporary Construction Easement upon:** A tract of land in the Northwest Quarter of Section 27, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point on the East line of the West half of the Northwest Quarter of said Section 27, and on the West line of a tract of land owned by the City of Gardner, recorded in Book 211 at Page 377, and on the East line of a tract of land owned by Gordon Land, LLC, recorded in Book 201805 at Page 001660, that is S 02°08'58" E 55.66 feet from the Northeast Corner of the West half of the Northwest Quarter of said Section 27; thence S 02°08'58" E 5.00 feet along said East lines and said West line; thence S 88°14'25" W 1,337.92 feet to the West line of the Northwest Quarter of said Section 27; thence N 02°08'58" W 5.00 feet along said West line to a point that is S 02°08'58" E 55.01 feet from the Northwest Corner of said Section 27; thence N 88°14'23" E 1,337.92 feet to the point of beginning, containing 6,681 square feet.

And

**A Temporary Construction Easement upon:** A tract of land in the Northwest Quarter of Section 27, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at a point on the East line of the West half of the Northwest Quarter of said Section 27, and on the West line of a tract of land owned by the City of Gardner, recorded in Book 211 at Page 377, and on the East line of a tract of land owned by Gordon Land, LLC, recorded in Book 201805 at Page 001660, that is S 02°08'58" E 75.66 feet from the Northeast Corner of the West half of the Northwest Quarter of said Section 27; thence S 02°08'58" E 5.00 feet along said East lines and said West line; thence S 88°14'23" W 789.37 feet; thence S 86°48'05" W 398.93 feet; thence S 88°14'43" W 149.68 feet to the West line of the Northwest Quarter of said Section 27; thence N 02°08'58" W 5.00 feet along said West line to a point that is S 02°08'58" E 85.02 feet from the Northwest Corner of said Section 27; thence N 88°14'43" E 149.68 feet; thence N 86°48'05" E 398.93 feet; thence N 88°14'23" E 789.37 feet to the point of beginning, containing 6,690 square feet.

**Tract 2:**

**Fee Simple Owner: Prairiefire Crossing, LLC**  
**Kansas Uniform Parcel ID: 0461352203007002000**

**Legal Description of the Real Property Interests to be acquired:**

**A Permanent Sanitary Sewer Easement upon:** A tract of land in the Southwest Quarter of Section 22, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at the Southeast Corner of Lot 38, St. John's Trace, recorded in Book 124 at Page 17, and on the West line of Prairiebrook Village, Tract A, Open Space and Drainage Easement, recorded in Book 200708 at Page 5886; thence N 02°22'43" W 16.02 feet; thence N 45°12'08" E 222.98 feet to a point on the South line of a Sanitary Sewer Easement, recorded in Book 7784 at Page 2; thence S 80°43'19" E 20.63 feet along said South line; thence N 45°34'06" E 10.24 feet along said South line; thence S 44°47'52" E 3.23; thence S 45°12'08" W 236.51 feet; thence S 02°22'43" E 137.69 feet to a point on the South line of said Tract A; thence S 88°01'18" W 20.00 feet along the South line of said of Tract A, to the Southwest Corner of Said Tract A, and to a point on the East line of Lot 37, St. John's Trace; thence N 02°22'43" W 130.35 feet along the East line of said Lot 37, the West line of said Tract A and the East line of said Lot 38 to the point of beginning, containing 7,386 square feet.

And

**A Temporary Construction Easement upon:** A tract of land in the Southwest Quarter of Section 22, Township 14 South, Range 22 East of the Sixth Principal Meridian, Johnson County, Kansas described as follows:

Beginning at the Northeast Corner of Lot 37, St. John's Trace, recorded in Book 124 at Page 17, and at a point on the West line of Prairiebrook Village, Tract A, Open Space and Drainage Easement, recorded in Book 200708 at Page 5886; thence S 02°22'43" E 130.35 feet along the East line of said Lot 37 and along the West line of said Tract A, to the Southwest Corner of said

Tract A; thence N 88°01'18" E 20.00 feet along the South line of said Tract A to the true point of beginning; thence N 02°22'43" W 137.69 feet; thence N 45°12'08" E 236.51 feet; thence S 44°47'52" E 10.00; thence S 45°12'08" W 232.11 feet; thence S 02°22'43" E 133.28 feet to a point on the South line of said Tract A; thence S 88°01'18" W 10.00 feet along the South line of said Tract A to the true point of beginning, containing 3,698 square feet.