

**ORDINANCE NO. 2624**

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDNER, KANSAS.

WHEREAS, the following described land is located in Johnson County, Kansas;

WHEREAS, the following described land was originally platted by Johnson County, Kansas by way of a plat titled "Freunds & Neighbors" which was approved by the County Engineer on February 22, 1996 and by Board of County Commissioners on February 29, 1996 and filed with the Johnson County Register of Deeds on March 7, 1996 at Book 94, Page 10, a true and correct copy of such plat being attached hereto as Exhibit A;

WHEREAS, a replat of Lots 1 and 2 of the "Freunds & Neighbors" plat titled "Freunds & Neighbors Plat II" was approved by the Board of County Commissions on September 25, 2008 and by the County Engineer on October 6, 2008 and filed with the Johnson County Registers of Deeds on October 8, 2008 at Book 200810, Page 002120, a true and correct copy of such plat being attached hereto as Exhibit B;

WHEREAS, the following described land constitutes platted land which adjoins the City of Gardner, Kansas and accordingly meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1)-(6);

WHEREAS, written petitions and/or consents for annexation of the following described land, signed by all of the owners thereof, have been filed with the City of Gardner, Kansas pursuant to K.S.A. 12-520(a)(7), as amended; and

WHEREAS, the governing body of the City of Gardner, Kansas, finds it advisable to annex such land.

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

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Gardner, Kansas:

Lot 3 of the Freunds & Neighbors Plat filed with the Johnson County Register of Deeds on March 7, 1996 at Book 94, Page 10, a true and correct copy being attached hereto as Exhibit A; and,

Lot 9 of the Freunds & Neighbors Plat II, constituting a replat of Lots 1 and 2 of the Freunds & Neighbors Plat, which re-plat was filed with the Johnson County Register of Deeds on October 8, 2008 at Book 200810, Page 002120, a true and correct copy being attached hereto as Exhibit B; and,

Lot 10 of the Freunds & Neighbors Plat II, constituting a replat of Lots 1 and 2 of the Freunds & Neighbors Plat, which re-plat was filed with the Johnson County Register of Deeds on October 8, 2008 at Book 200810, Page 002120, a true and correct copy being attached hereto as Exhibit B; and,

The entirety of the adjacent right of way immediately South of Lots 3-8 of the Friends & Neighbors Plat, such right of way being 105 feet in width, identified as 199<sup>th</sup> Street; and,

The entirety of the adjacent right of way immediately East of Lots 9-10 of the Friends & Neighbors Plat II, such right of way varying between 105 and 110 feet in width, identified as Gardner Road, and

The unplatted tract belonging to Douglas H and Daniel L. Freund described as the North 330 feet of the South 660 feet of the East 660 feet of the South one-half (S1/2) of the Southeast Quarter (SE1/4) of Section Two (2) Township Fifteenth (15) South Range Twenty –Two (22), all in Johnson County, Kansas except a life estate in the grantors and the survivor of them to one-half (1/2) of the oil, gas, and other minerals on, in, and under the property described herein, except a gas line easement ten (10) feet on each side of a line beginning at a point 330 feet North and 277 feet west of the Southwest corner of the Southeast quarter of Section Two (2), Township Fifteenth (15), Range Twenty-Two (22), North to North line of the property described herein, Subject to road easement over the east Forty (40) feet subject to easements, restrictions, and reservations of record. Found in Volume 1329 Page 51, And of the entirety of the adjacent Right of way immediately east from the east property line to the east side of what is called Gardner Road; And,

The Unplatted tract belonging to Ronald H and Mary T Freund described as the South 330 feet of the east 660 feet of the South one-half (S1/2) of the Southeast Quarter (SE1/4) of Section Two (2) Township Fifteenth (15), Range Twenty-Two (22), all in Johnson County, Kansas, except a life estate in the grantors and the survivor of them to one-half (1/2) of the oil, gas, and other minerals on, in and under the property described herein: except a gas line easement ten (10) feet on each side of a line beginning at a point 300 feet north and 277 feet West of the Southeast corner of the Southeast Quarter of Section 2 (2) Township Fifteenth (15), Range Twenty-Two (22), thence North to North line of the property described herein; and excepting an easement for utilities in, on, and over the North 20 feet of the south 50 feet of the property described herein, found in Volume 955 page 825, And of the entirety of the adjacent Right of way immediately east from the east property line to the east side of what is called Gardner Road.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.

(Remainder of this page to remain blank)

PASSED AND APPROVED by the Governing Body of the City of Gardner, Kansas this 7th day of October, 2019.

(SEAL)

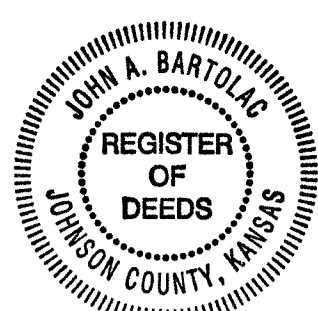
\_\_\_\_\_/s/\_\_\_\_\_  
Steve Shute, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Sharon Rose, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_/s/\_\_\_\_\_  
Ryan B. Denk, City Attorney



20081028-0002123  
P 1 of 1 F 520.00 01:20:34 PM  
Revised for Deeds 7:20:03/11/08  
JO CO KS BK:200810 PG:002120

EXHIBIT B

# FINAL PLAT OF FREUNDS & NEIGHBORS II A REPLAT OF LOTS 1 & 2, FREUNDS & NEIGHBORS GARDNER TOWNSHIP JOHNSON COUNTY, KANSAS

This is a re-survey and re-subdivision of Lots 1 & 2 of Friends & Neighbors, a subdivision of land in Johnson County, Kansas, being more particularly described as follows: Beginning at the Northeast corner of said Lot 1; thence South 2 degrees 52 minutes 46 seconds East, along the East line of said Lots 1 & 2, a distance of 662.08 feet, to the Southeast corner of said Lot 2; thence South 88 degrees 05 minutes 20 seconds West, along the South line of said Lot 2, a distance of 930.00 feet, to the Southwest corner of said Lot 2; thence North 2 degrees 52 minutes 46 seconds West, along the West line of Lots 1 & 2, a distance of 664.92 feet, to the Northwest corner of said Lot 1; thence North 88 degrees 15 minutes 53 seconds East, along the North line of said Lot 1, a distance of 930.05 feet, to the point of beginning, containing 14.16 acres.

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "FREUNDS & NEIGHBORS II".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys.

An easement is hereby granted to Johnson County, Kansas to enter upon, locate, construct, and maintain or authorize the location, construction, maintenance and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts, cables, etc., upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "UE".

Any areas designated on this plat as "Stream Buffer Zone" are for the purpose of surface water drainage. No buildings are allowed without the consent of the Johnson County, Public Works Department.

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

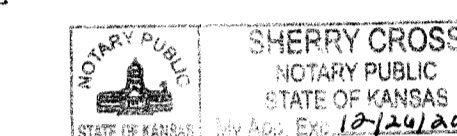
Owner of Lot 9

IN TESTIMONY WHEREOF, Ronald H. Freund and Mary T. Freund, husband and wife, have caused this instrument to be executed this 25 day of September 2008.

By: *Ronald H. Freund*  
RONALD H. FREUND

By: *Mary T. Freund*  
MARY T. FREUND

STATE OF Kansas )  
COUNTY OF Johnson ) SS:



BE IT REMEMBERED, that on this 25 day of September 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Ronald H. Freund and Mary T. Freund, husband and wife, who are personally known to be the same persons who executed the within instrument of writing, and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Appointment Expires: 12/24/2011 *Sherry Cross*  
Notary Public

Owner of Lot 10

IN TESTIMONY WHEREOF, Lori Klenke, has caused this instrument to be executed this 26th day of September 2008.

By: *Lori Klenke*  
LORI KLENKE

STATE OF Kansas )  
COUNTY OF Johnson ) SS:

BE IT REMEMBERED, that on this 26th day of September 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Lori Klenke, who is personally known to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same for themselves and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My Appointment Expires: 11/19/2011 *Jane S. Gordon*  
Notary Public

APPROVED BY the County Engineer this 6 day of Oct, 2008.

*Mac Andrew*  
County Engineer: Mac Andrew P.E.

APPROVED BY the Southwest Consolidated Zoning Board, Johnson County, Kansas, this 27th day of August 2008.

*Mark Lathrum*  
Mark Lathrum, Chairman

Attest: *Sherry Cross*  
SHERRY CROSS

APPROVED BY the Board of County Commissioners of Johnson County, Kansas, this 25th day of September 2008.

*Angabeth Surbaugh*  
Angabeth Surbaugh, Chairman  
*Casey Ube Carl*  
Casey Ube Carl, Clerk of the Board  
*Jeanne L. Maffert*  
JEANNE L. MAFFERT  
CHIEF DEPUTY CLERK  
BEARING BASIS = KANSAS STATE PLANE 1983  
DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF

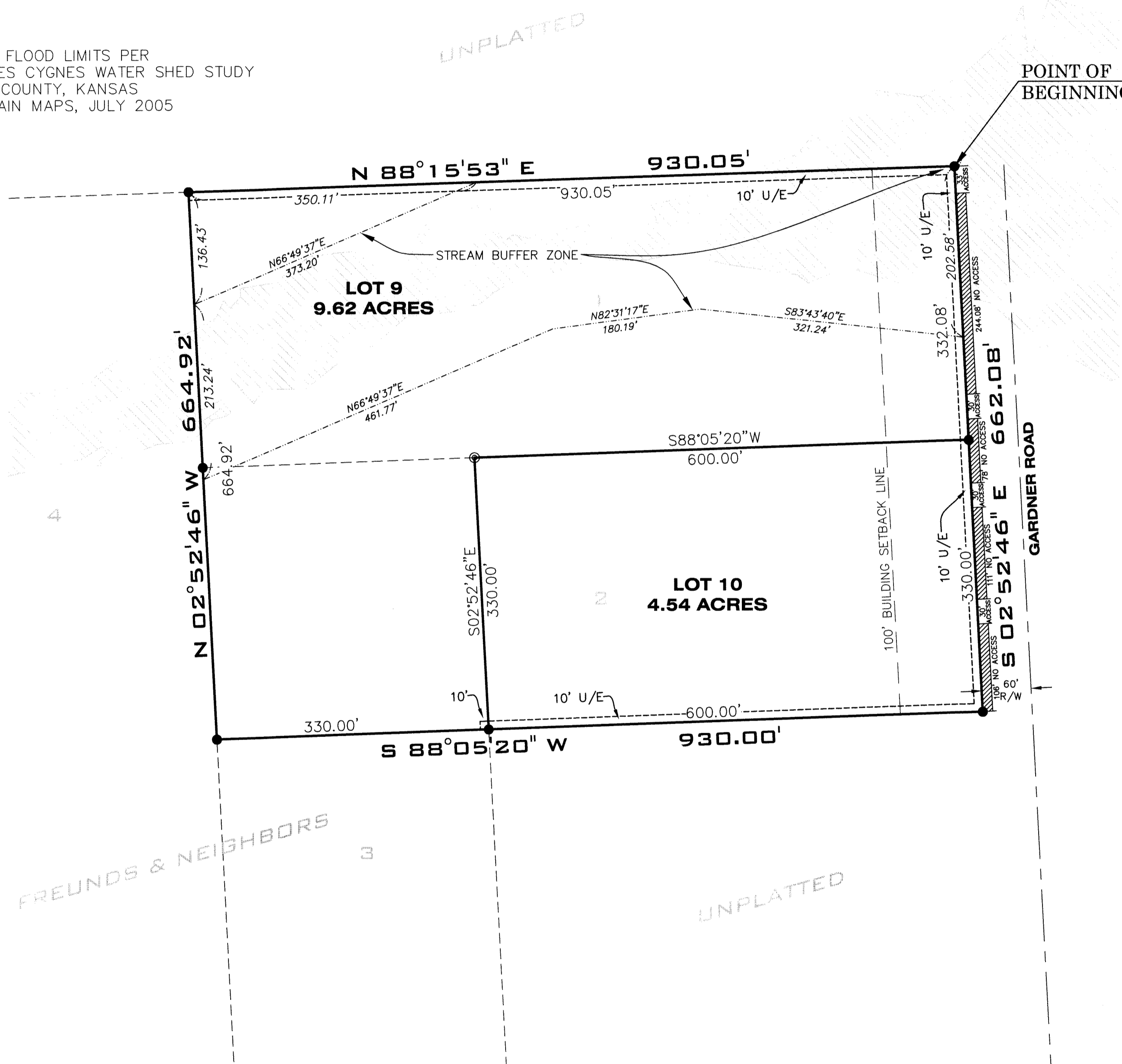
## FREUNDS & NEIGHBORS II

CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS



122 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076  
FAX: (913) 764-8635  
14 W. PEORIA  
PAOLA, KANSAS 66071  
PHONE: (913) 557-1076  
FAX: (913) 557-6904

100 YEAR FLOOD LIMITS PER  
MARAIS DES CYGNES WATER SHED STUDY  
JOHNSON COUNTY, KANSAS  
FLOOD PLAIN MAPS, JULY 2005



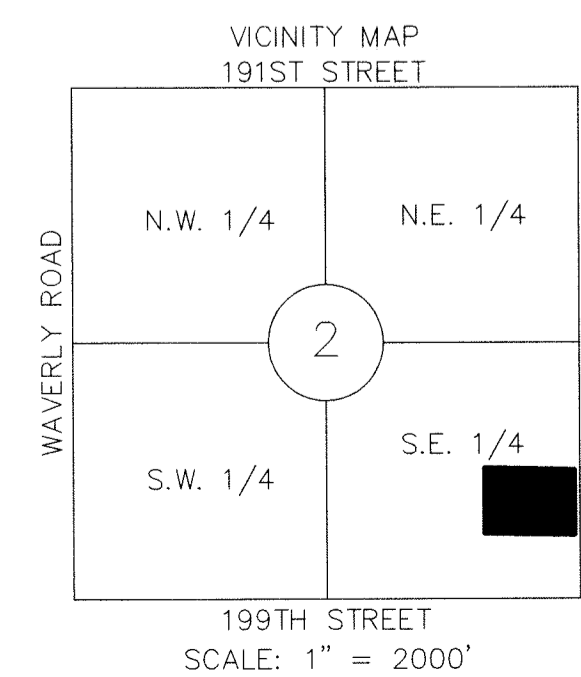
### NOTES:

BUILDING SETBACK REQUIREMENTS APPLY ONLY TO NEW CONSTRUCTION.

THIS PLAT IS NOT CONSIDERED TO BE DEVELOPMENT PROJECT, AND THEREFORE IS NOT SUBJECT TO PARK DEDICATION AT THIS TIME, IN ACCORDANCE WITH THE REQUIREMENTS OF JOHNSON COUNTY RESOLUTION NO. 046-94.

\*NO CONSTRUCTION OR DISTURBANCE OF ANY TYPE, INCLUDING CLEARING, GRUBBING, STRIPPING, FILL, EXCAVATION, LINEAR GRADING, PAVING, OR BUILDING IS ALLOWED IN THE BUFFER ZONE EXCEPT BY WRITTEN PERMISSION OF THE COUNTY ENGINEER.\*

EROSION SHALL BE AVOIDED BY MINIMIZING THE DESTRUCTION OF VEGETATIVE LAND COVER PRIOR TO AND DURING ALL CONSTRUCTION (GRADING, BUILDING, STREETS, ETC.). THE USE OF STRUCTURAL EROSION CONTROL DEVICES SUCH AS SILT FENCES AND BASINS, ETC. SHALL OCCUR. REPLANTING OF EROSION CONTROL VEGETATION SHALL OCCUR WITHIN 90 DAYS OF COMPLETION OF CONSTRUCTION.

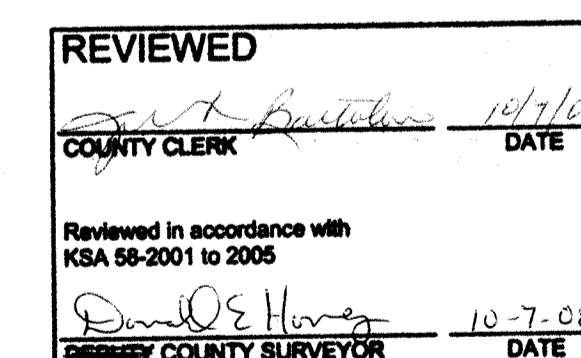
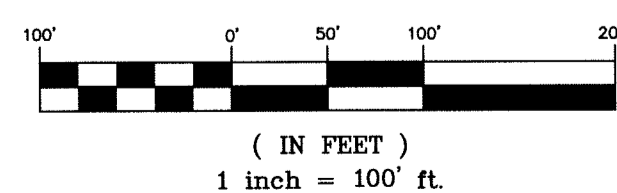


PROJECT LOCATION  
SECTION 2-15-22

- 1/2" REBAR 24" IN LENGTH WITH PLASTIC CAP C.L.S. 93, SET IN CONC.
- 1/2" BAR FOUND (SET IN CONC.)
- UTILITY EASEMENT

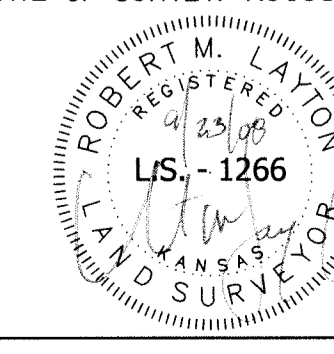


### GRAPHIC SCALE



### CERTIFICATION:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND IS IN ACCORDANCE WITH THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. AS OF DATE OF SURVEY: AUGUST 11, 2008



BY: \_\_\_\_\_ DATE: 9/23/08

EXHIBIT A

PLAT OF  
FREUNDS & NEIGHBORS  
GARDNER TOWNSHIP  
JOHNSON COUNTY, KANSAS

STATE OF KANSAS  
COUNTY OF JOHNSON  
FILED FOR RECORD  
95 MAR -7 P 11:42.8  
SARA BULLMANN  
REGISTER OF DEEDS  
BK 94 Pg 10  
EROSION SHALL BE MINIMIZED DURING AND AFTER CONSTRUCTION THROUGH THE USE OF STRUCTURAL EROSION CONTROL DEVICES, MINIMIZING THE DESTRUCTION OF VEGETATIVE LAND COVER, AND REPLANTING VEGETATION AFTER CONSTRUCTION.

ALL LOTS WITHIN THIS PLAT SHALL BE LIMITED TO ONE DRIVEWAY ACCESS POINT FROM THE PUBLIC RIGHT OF WAY. DRIVEWAYS ARE TO BE CONSTRUCTED AT POINTS OTHER THAN THOSE LABELED AS NO ACCESS. DRIVEWAYS ARE TO BE CONSTRUCTED WITH TURN AROUND DRIVES SO THAT NO ONE SHALL BACK ONTO THE MAIN ROAD.

THE LOW ELEVATION OF ANY BUILDING SHOULD BE AT LEAST 2' ft. ABOVE THE ELEVATION OF THE BOUNDARY OF THE ADJACENT NATURAL DRAINAGE AREA.

THE OWNERS OF THIS PROPERTY DID NOT CONTRIBUTE TO AN ESCROW ACCOUNT. LOT OWNERS MAY BE ASSESSED FOR ROAD IMPROVEMENTS IN THE FUTURE.

BUILDING SETBACK REQUIREMENTS APPLY TO ONLY NEW CONSTRUCTION.

THIS PLAT HAS LOTS CONSIDERED TO BE DEVELOPMENT PROJECTS, AND THEREFORE IS SUBJECT TO A FEE IN LIEU OF PARK DEDICATION IN THE AMOUNT OF \$151 DOLLARS (BASED ON THE FAIR MARKET VALUE) IN ACCORDANCE WITH THE REQUIREMENTS OF JOHNSON COUNTY RESOLUTION NO. 046-94.

This is a survey and subdivision of a part of the South Half of the Southeast Quarter of Section 2, Township 15, Range 22, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 2; thence South 88 deg. 05' 20" West, along the South line of the Southeast Quarter of said Section 2, a distance of 660.00 feet; to the point of beginning; thence continuing South 88 deg. 05' 20" West, along the South line of the Southeast Quarter of said Section 2, a distance of 2005.38 feet, to the Southeast corner of the Southeast Quarter of said Section 2; thence North 2 deg. 52' 46" East, along the North line of the South Half of the Southeast Quarter of said Section 2, a distance of 2655.26 feet, to the Northeast corner of the South Half of the Southeast Quarter of said Section 2; thence South 2 deg. 52' 46" East, parallel to the East line of the Southeast Quarter of said Section 2, a distance of 660.00 feet; thence South 2 deg. 52' 46" East, parallel to the East line of the Southeast Quarter of said Section 2, a distance of 660.00 feet; to the point of beginning, containing 70.97 acres more or less.

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "FREUNDS & NEIGHBORS".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys.

An easement or license is hereby granted to Johnson County, Kansas, and to all public utility companies duly incorporated and licensed to do business in Johnson County, Kansas, to enter upon, construct and maintain poles, wires, anchors, pipes, conduits, sewers, surface drainage facilities, etc., upon, over, and under these areas outlined and designated on this plat as "Utility Easement" or "U/E", "Drainage Easement" or "D/E".

Any areas designated on this plat as "Natural Drainage Area" are for the purpose of surface water drainage. No buildings are allowed, and no grading or other alterations are allowed that may hinder the natural flow of water and increase the flooding potential on other lots, streets, or outside this subdivision without the consent of the Johnson County Public Works Department.

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, shall have the power to release such lands proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, and effect of any special assessments, and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public ways or thoroughfares.

Owners of Lots 1, 2, 3, 4, 6, 7, & 8  
IN TESTIMONY WHEREOF, Harold William and Wanda Maxine Freund, husband and wife, have caused this instrument to be executed this 17th day of Feb., 1996.

Harold William Freund  
Wanda Maxine Freund  
STATE OF KANSAS )  
COUNTY OF JOHNSON ) SS: Vicki L. Winters  
My Exp. 10-3-99

BE IT REMEMBERED, that on this 17th day of Feb., 1996, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Harold William Freund and Wanda Maxine Freund, husband and wife, who are personally known to me to be the same persons who executed the foregoing instrument of writing and such persons duly acknowledged the execution of the same for themselves and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.  
My Commission Expires: 10-31-99  
Dicky L. Winters  
Notary Public

Owner of Lot 5  
IN TESTIMONY WHEREOF, Edward L. Clark a single person, has caused this instrument to be executed this 15th day of Feb., 1996.

Edward L. Clark  
STATE OF KANSAS )  
COUNTY OF JOHNSON ) SS: Robert M. Layton  
My Exp. 4-28-98

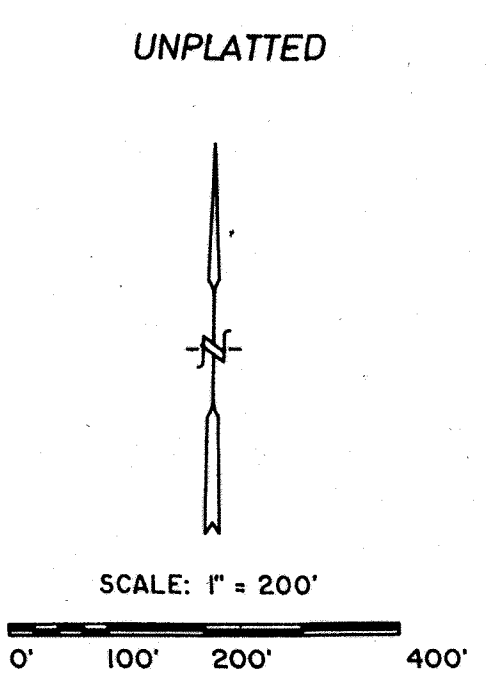
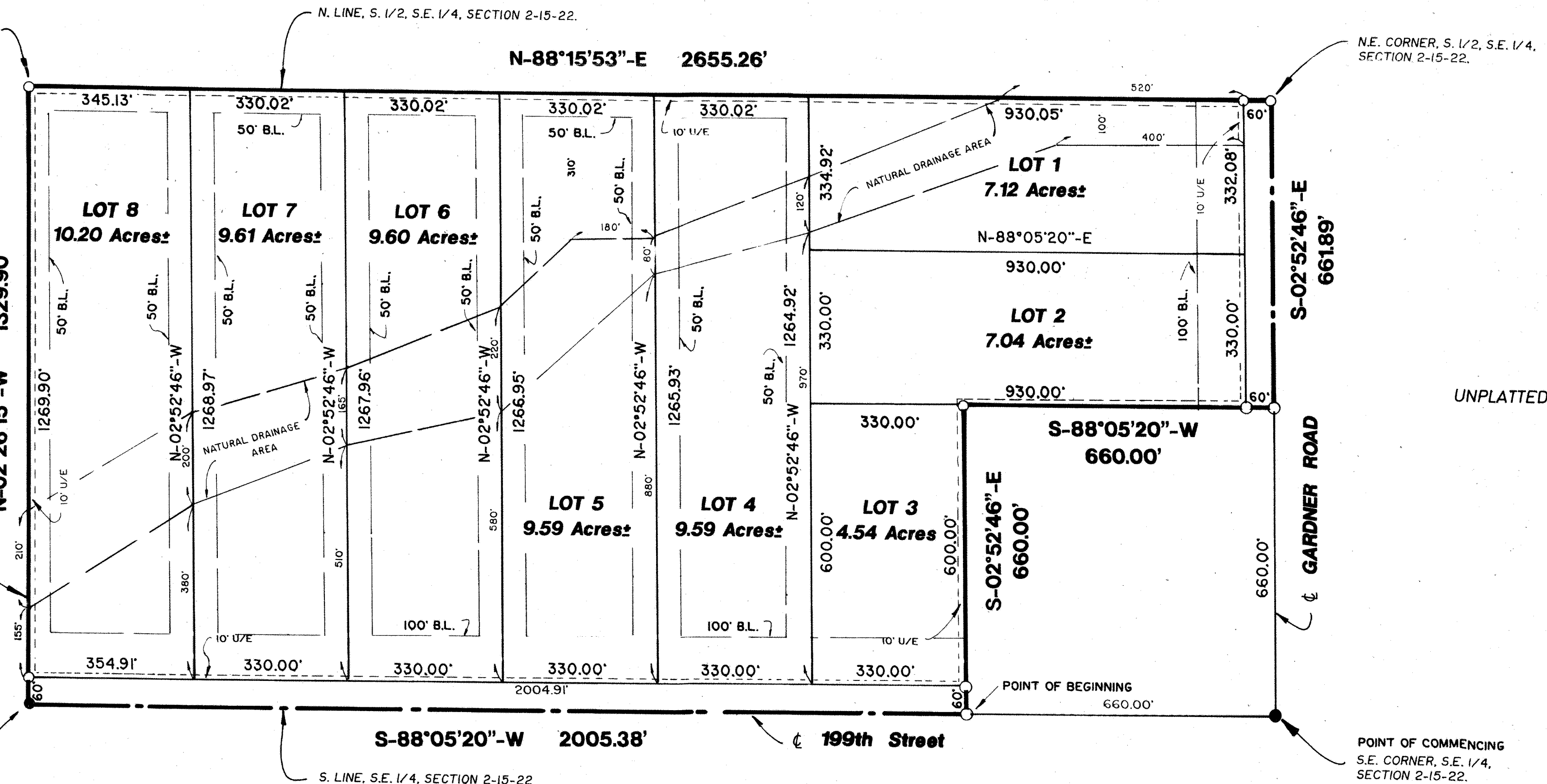
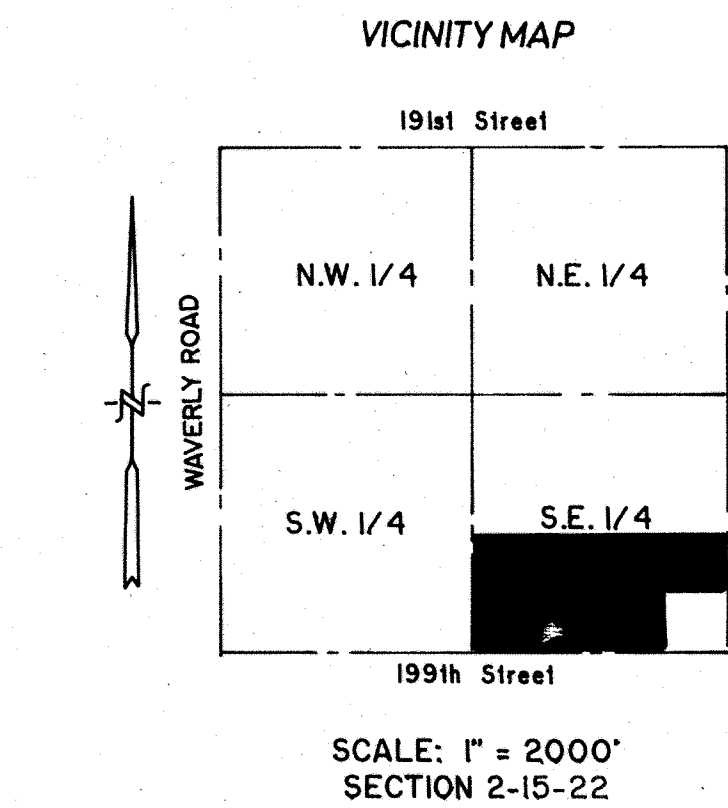
BE IT REMEMBERED, that on this 15th day of Feb., 1996, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Edward L. Clark a single person, who is personally known to me to be the same person who executed the foregoing instrument of writing and such person duly acknowledged the execution of the same for themselves and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.  
My Commission Expires: 4-28-98  
Robert M. Layton  
Notary Public

APPROVED BY: James F. Pilley  
Johnson County Engineer: James F. Pilley, P.E.  
Date: 02-22-96

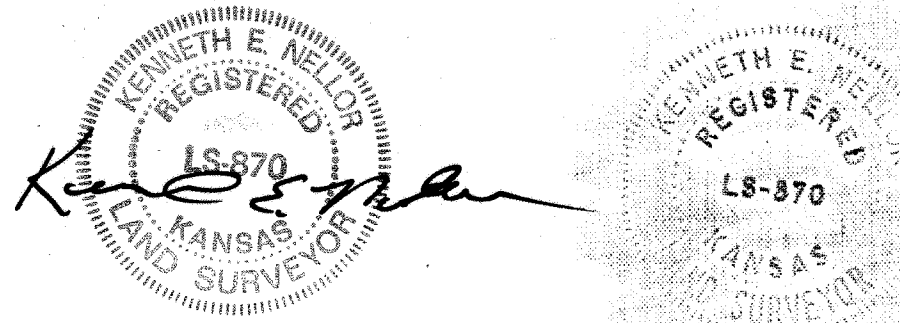
APPROVED BY, the Zoning Board of Gardner Township, Johnson County, Kansas, this 20th day of Dec., 1995.  
Chairman: Helen M. Scott  
Secretary:

APPROVED BY, the Board of County Commissioners of Johnson County, Kansas, this 22nd day of Feb., 1996.  
BOARD OF COUNTY COMMISSIONERS:  
Chairman: Shirley R. Green  
County Clerk:



● DENOTES IRON BAR FOUND  
○ DENOTES IRON BAR SET

I HEREBY CERTIFY THIS IS A TRUE AND ACCURATE PLAT OF SURVEY.



ALLENBRAND - DREWS & ASSOCIATES  
ENGINEERS - SURVEYORS  
122 NORTH WATER  
OLATHE, KANSAS  
66061

