

ORDINANCE NO. 2630

AN ORDINANCE condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191st Street Realignment Project located within the City of 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 roadway improvement project known as the 191st Street Realignment Project, all within the City of 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 and the Kansas Department of Transportation.
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 21st DAY OF OCTOBER, 2019.

/s/
Steve Shute, Mayor

(SEAL)

ATTEST:

/s/
Sharon Rose, City Clerk

APPROVED AS TO FORM:

/s/
Ryan Denk
City Attorney

EXHIBIT A

Project Tract No. 1

Fee Simple Owner: **The Anna Ruth Radke Living Trust dated January 24, 1992**
 c/o Mark Hannah, Attorney at Law
 130 N. Cherry, Suite 100
 PO Box 564
 Olathe, Kansas 66061

Legal Description of the Real Property to be acquired for Permanent Utility Easement

All that part of Northeast 1/4 of said Section 2, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Northeast 1/4; thence S 88° 17' 35" W, along the North line of said Northeast 1/4, a distance of 1119.31 feet; thence S 1° 42' 25" E, a distance of 43.29 feet, to a point on the South line of 191st Street, as now established, said point is also known as the Point of Beginning; thence S 11° 46' 35" W, a distance of 45.00 feet; thence S 78° 13' 25" E, a distance of 41.13 feet; thence N 54° 44' 19" E, a distance of 84.00 feet, to a point on said South line of said 191st street; thence S 88° 18' 35" W, along said South line, a distance of 70.72 feet; thence N 78° 13' 25" W, along said South line, a distance of 29.60 feet, to the Point of Beginning, containing 3,234 square feet, more or less.

Legal Description of the Real Property to be acquired for Temporary Construction Easement:

All that part of Northeast 1/4 of said Section 2, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Northeast 1/4; thence S 88° 17' 35" W, along the North line of said Northeast 1/4, a distance of 1119.31 feet; thence S 1° 42' 25" E, a distance of 43.29 feet, to a point on the South line of 191st Street, as now established, said point is also known as the Point of Beginning; thence S 11° 46' 35" W, a distance of 45.00 feet; thence S 78° 13' 25" E, a distance of 41.13 feet; thence N 54° 44' 19" E, a distance of 84.00 feet, to a point on said South line of said 191st street; thence N 88° 18' 35" E, along said South line, a distance of 88.68 feet; thence N 75° 27' 35" E, a distance of 90.90 feet; thence N 88° 17' 35" E, a distance of 112.55 feet; thence S 75° 27' 35" W, a distance of 203.46 feet; thence S 88° 18' 35" W, a distance of 91.49 feet; thence S 45° 40' 52" W, a distance of 115.50 feet; thence N 65° 35' 46" W, a distance of 55.68 feet; thence N 12° 18' 35" E, a distance of 91.53 feet, to a point on said South line; thence S 78° 13' 25" E, along said South line, a distance of 13.70 feet, to the Point of Beginning, containing 12,147 square feet, more or less.

Project Tract No. 2

Fee Simple Owner: Gardner 188, LLC
c/o F. Chase Simmons, Registered Agent
6201 College Boulevard, Suite 500
Overland Park, KS 66211

Legal Description of Real Property to be acquired in Fee Simple (for Road Right of Way):

Project Sub-Tract No. 2

All that part of Lot 4, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence S 2° 32' 06" E, along the East line of said Lot 4, a distance of 329.84 feet, to the Point of Beginning; thence S 2° 32' 06" E, along said East line, a distance of 20.42 feet, to a point of curvature thence Southwesterly along said Easterly and Southerly line of said Lot 4, being a curve to the right, having a radius of 370.00 feet, a central angle of 70° 02' 01", and an arc distance of 452.26 feet, to a point on a curve; thence Northeasterly along a curve to the left, having an initial tangent bearing of N 64° 27' 25" E, a radius of 400.00 feet, a central angle of 66° 59' 31", and an arc distance of 467.99 feet, to the Point of Beginning, containing 1,917 square feet, more or less; and

Project Sub-Tract No. 2B

All that part of Lot 2, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Lot 2; thence S 2° 32' 06" E, along the East line of said Lot 2, a distance of 51.07 feet, to a point on a curve; thence Northwesterly along a curve to the left, having an initial tangent bearing of N 59° 23' 26" W, a radius of 400.00 feet, a central angle of 19° 19' 21", and an arc distance of 134.90 feet, to a point on the North line of said Lot 2; thence N 88° 35' 39" E, along said North line, a distance of 123.16 feet, to the Point of Beginning, containing 2,636 square feet, more or less; and

Project Sub-Tract No. 2C

All that part of Lot 1, SHEAN'S CROSSING, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northeast corner of said Lot 1; thence S 2° 32' 07" E, along the East line of said Lot 1, a distance of 210.80 feet; thence S 56° 09' 15" W, along said East line, a distance of 26.22 feet, thence S 88° 35' 38" W, along the South line of said Lot 1, a distance of 55.21 feet; thence N 78° 40' 13" E, a distance of 23.27 feet; thence N 38° 35' 19" E, a distance of 7.82 feet, to a point; thence continuing N 38° 35' 19" E, a distance of 58.44 feet; thence N 2° 32' 07" W, a distance of 170.09 feet, to a point on the North line of said Lot 1; thence N 88° 35' 38" E, along said North line, a distance of 11.04 feet, to the Point of Beginning, containing 3,652 square feet, more or less.

Project Sub-Tract No. 2F

All that part of Lot 6, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Lot 6; thence N 88° 35' 39" E, along the North line of said Lot 6, a distance of 87.30 feet, to a point on a curve, said point also being a point known hereinafter as Point A; thence Southwesterly along a curve to the left, having an initial tangent bearing of S 77° 16' 23" W, a radius of 388.00 feet, a central angle of 13° 30' 19", and an arc distance of 91.46 feet, to a point on the West line of said Lot 6; thence N 2° 32' 07" W, along said West line, a distance of 28.31 feet, to the Point of Beginning;

And Also;

Commencing at aforesaid mentioned Point A; thence N 88° 35' 39" E, along the North line of said Lot 6, a distance of 115.72 feet to the Point of Beginning; thence continuing N 88° 35' 39" E, along said North line, a distance of 22.45 feet, to the Northernmost Northeast corner of said Lot 6; thence S 41° 48' 43" E, along said North line, a distance of 40.28 feet, to the Easternmost Northeast corner of said Lot 6; thence S 2° 32' 06" E, along the East line of said Lot 6, a distance of 107.24 feet; thence departing said East line N 8° 32' 14" W, a distance of 91.98 feet; thence N 31° 41' 12" W, a distance of 44.06 feet; thence N 64° 41' 03" W, a distance of 19.06 feet, to the Point of Beginning; which together contain 2,233 square feet, more or less.

Legal Description of the Real Property to be acquired for Permanent Utility Easement

Project Sub-Tract No. 2

All that part of Lot 4, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence S 2° 32' 06" E, along the East line of said Lot 4, a distance of 329.84 feet, to a point of curvature, said point also being the Point of Beginning; thence Southwesterly along a curve to the right, having a radius of 400.00 feet, a central angle of 66° 59' 31", and an arc distance of 467.99 feet; thence N 24° 01' 17" W, a distance of 10.00 feet, to a point on curve; thence Northeasterly along a curve to the left, having an initial tangent bearing of N 64° 25' 05" E, a radius of 390.00 feet, a central angle of 66° 57' 11", and an arc distance of 455.73 feet; thence N 87° 28' 29" E, a distance of 10.00 feet, to the Point of Beginning, except that part lying within the existing utility easement as established in the final plat of SHEAN'S CROSSING 2ND PLAT, containing 1,867 square feet, more or less; and

Project Sub-Tract No. 2B

All that part of Lot 2, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 2; thence S 2° 32' 06" E, along the East line of said Lot 2, a distance of 51.07 feet, to the Point of Beginning; thence continuing S 2° 32' 06" E, along said East line, a distance of 12.01 feet, to a point on a curve; thence Northwesterly along a curve to the left, having an initial tangent bearing of N 58° 25' 33" W, a radius of 390.00 feet, a central angle of 20° 07' 30", and an arc distance of 136.99 feet; thence N 88° 35' 39" E, a distance of 37.44 feet, to a point on a curve; thence Southeasterly along a curve to the right, having an initial tangent bearing of S 73° 18' 52" E, a radius of 400.00 feet, a central angle of 13° 55' 26", and an arc distance of 97.21 feet, to the Point of Beginning, containing 1,161 square feet, more or less; and

Project Sub-Tract No. 2C

All that part of Lot 1, SHEAN'S CROSSING, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence S 2° 32' 07" E, along the East line of said Lot 1, a distance of 210.80 feet; thence S 56° 09' 15" W, along said East line, a distance of 26.22 feet, thence S 88° 35' 38" W, along the South line of said Lot 1, a distance of 55.21 feet; thence N 78° 40' 13" E, a distance of 23.27 feet; thence N 38° 35' 19" E, a distance of 7.82 feet, to the Point of Beginning; thence S 88° 35' 38" W, a distance of 28.81 feet; thence N 78° 40' 13" E, a distance of 18.75 feet; thence N 38° 35' 19" E, a distance of 45.23 feet; thence S 2° 32' 07" E, a distance of 15.20 feet; thence S 38° 35' 19" W, a distance of 29.61 feet, to the Point of Beginning, containing 421 square feet, more or less; and

Project Sub-Tract No. 2F

All that part of Lot 6, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 6; thence S 2° 32' 07" E, along the West line of said Lot 6, a distance of 28.31 feet, to a point on a curve, said point also being the Point of Beginning; thence Northeasterly along a curve to the right, having an initial tangent bearing of N 63° 46' 05" E, a radius of 388.00 feet, a central angle of 7° 31' 40", and an arc distance of 50.98 feet; thence N 88° 35' 39" E, a distance of 40.20 feet, to a point on a curve, said point also known herein after as Point B; thence Southwesterly along a curve to the left, having an initial tangent bearing of S 77° 07' 26" W, a radius of 378.00 feet, a central angle of 14° 01' 22", and an arc distance of 92.51 feet, to a point on the West line of said Lot 6; thence N 2° 32' 07" W, along said West line, a distance of 10.95 feet, to the Point of Beginning;

And Also;

Commencing at aforesaid mentioned Point B; thence N 88° 35' 39" E, a distance of 9.80 feet; thence continuing N 88° 35' 39" E, a distance of 102.56 feet, to the Point of Beginning; thence continuing N 88° 35' 39" E, a distance of 20.19 feet; thence S 41° 48' 43" E, a distance of 0.22 feet; thence S 31° 41' 12" E, a distance of 41.43 feet; thence S 2° 32' 06" E, a distance of 92.69 feet; thence N 8° 32' 14" W, a distance of 89.41 feet; thence N 31° 41' 12" W, a distance of 39.05 feet; thence N 64° 41' 03" W, a distance of 13.72 feet, to the Point of Beginning, which together contain 1,604 square feet, more or less.

Project Sub-Tract No. 2G

All that part of Lot 8, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 8; thence N 87° 27' 54" E, along the North line of said Lot 8, a distance of 12.00 feet, to the Point of Beginning; thence continuing N 87° 27' 54" E, along said North line, a distance of 10.00 feet; thence S 2° 32' 06" E, a distance of 0.93 feet; thence S 8° 07' 05" W, a distance of 64.91 feet; thence S 2° 32' 06" E, a distance of 233.29 feet to a point on the South line of said Lot 8; thence S 87° 27' 54" W, along said South line, a distance of 10.00 feet, to the Southwest corner of said Lot 8; thence N 2° 32' 06" W, along the West line of said Lot 8, a distance of 234.22 feet; thence N 8° 07' 05" E, a distance of 64.91 feet, to the Point of Beginning, containing 2,991 square feet, more or less.

Legal Description of the Real Property to be acquired for Temporary Construction Easement:

Project Sub-Tract No. 2

All that part of Lot 4, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 4; thence S 2° 32' 06" E, along the East line of said Lot 4, a distance of 329.84 feet; thence S 87° 28' 29" W, a distance of 10.00 feet, to a point of curvature, said point also being the Point of Beginning; thence Southwesterly along a curve to the right, having an initial tangent bearing of S 2° 32' 06" E, a radius of 390.00 feet, a central angle of 66° 57' 11", and an arc distance of 455.73 feet, to a point on a curve; thence Southwesterly along a curve to the right, having an initial tangent bearing of S 67° 32' 27" W, a radius of 360.00 feet, a central angle of 20° 45' 16", and an arc distance of 130.40 feet; thence S 88° 17' 41" W, a distance of 119.30 feet, to a point on the Westerly line of said Lot 4; thence N 2° 16' 04" W, along said Westerly line, a distance of 20.00 feet; thence N 88° 17' 41" E, a distance of 119.50 feet, to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 340.00 feet, a central angle of 20° 39' 46", and an arc distance of 122.62 feet, to a point on a curve; thence Northwesterly along a curve to the left, having an initial tangent bearing of N 64° 20' 01" E, a radius of 370.00 feet, a central angle of 66° 52' 07", and an arc distance of 431.82 feet; thence S 87° 27' 54" W, a distance of 10.00 feet; thence N 2° 32' 06" W, a distance of 330.63 feet to a point on the North line of said Lot 4; thence N 88° 35' 39" E, along said North line, a distance of 30.01; thence S 2° 32' 06" E, a distance of 330.04 feet, to the Point of Beginning, containing 23,704 square feet, more or less; and

Project Sub-Tract No. 2A

The East 25.00 feet of Lot 3, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, containing 6,875 square feet, more or less; and

Project Sub-Tract No. 2B

All that part of Lot 2, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 2; thence S 2° 32' 06" E, along the East line of said Lot 2, a distance of 51.07 feet; thence continuing S 2° 32' 06" E, along said East line, a distance of 12.01 feet, to the Point of Beginning; thence continuing S 2° 32' 06" E, along said East line, a distance of 36.95 feet, to a point on a curve; thence Northwesterly along a curve to the left, having an initial tangent bearing of N 55° 07' 33" W, a radius of 360.00 feet, a central angle of 10° 38' 19", and an arc distance of 66.84 feet; thence N 24° 14' 07" E, a distance of 15.00 feet, to a point on a curve; thence Northwesterly along a curve to the left, having an initial tangent bearing of N 65° 45' 53" W, a radius of 375.00 feet, a central angle of 16° 29' 17", and an arc distance of 107.91 feet; thence S 88° 35' 39" W, a distance of 77.24 feet; thence N 1° 23' 13" W, a distance of 10.00 feet; thence N 88° 35' 39" E, a distance of 104.35 feet, to a point on a curve; thence Southeasterly along a curve to the right, having an initial tangent bearing of S 78° 33' 03" E, a radius of 390.00 feet, a central angle of 20° 07' 30", and an arc distance of 136.99 feet, to the Point of Beginning;

And Also

Beginning at the Southeast corner of said Lot 2; thence S 88° 35' 39" W, along said South line, a distance of 25.00 feet; thence N 2° 32' 06" W, a distance of 224.91 feet, to a point of curvature;

thence Northeasterly along a curve to the right, having a radius of 485.00 feet, a central angle of 18° 28' 35", and an arc distance of 156.40 feet, to a point on the East line of said Lot 2; thence S 2° 32' 06" E, along said East line, a distance of 379.11 feet, to the Point of Beginning, which together contain 12,321 square feet, more or less.

Project Sub-Tract No. 2C

All that part of Lot 1, SHEAN'S CROSSING, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence S 2° 32' 07" E, along the East line of said Lot 1, a distance of 210.80 feet; thence S 56° 09' 15" W, along said East line, a distance of 26.22 feet, thence S 88° 35' 38" W, along the South line of said Lot 1, a distance of 55.21 feet; thence N 78° 40' 13" E, a distance of 23.27 feet; thence N 38° 35' 19" E, a distance of 7.82 feet; thence S 88° 35' 38" W, a distance of 28.81 feet, to the Point of Beginning; thence continuing S 88° 35' 38" W, a distance of 274.51 feet; thence S 1° 24' 22" E, a distance of 10.00 feet; thence S 88° 35' 38" W, a distance of 281.43 feet, to a point on the West line of said Lot 1; thence N 1° 24' 22" W, along said West line, a distance of 15.00 feet; thence N 88° 35' 38" E, a distance of 575.89 feet; thence S 38° 35' 19" W, a distance of 2.31 feet; thence S 78° 40' 13" W, a distance of 18.75 feet, to the Point of Beginning; containing 5,658 square feet, more or less; and

Project Sub-Tract No. 2D

All that part of Lot 2, SHEAN'S CROSSING, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of said Lot 2; S 88° 35' 38" W, along the South line, of said Lot 2, a distance of 242.50 feet; thence N 1° 23' 13" W, a distance of 15.00 feet; thence N 88° 35' 38" E, a distance of 242.50 feet, to a point on the East line of said Lot 2; thence S 1° 24' 22" E, along said East line, a distance of 15.00 feet, to the Point of Beginning, containing 3,638 square feet, more or less; and

Project Sub-Tract No. 2F

All that part of Lot 6, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 6; thence S 2° 32' 07" E, along the West line of said Lot 6, a distance of 28.31 feet; thence continuing S 2° 32' 07" E, along said West line, a distance of 10.95 feet, to a point on a curve, said point also being the Point of Beginning; thence Northeasterly along a curve to the right; having an initial tangent bearing of N 63° 06' 04" E, a radius of 378.00 feet, a central angle of 14° 01' 22", and an arc distance of 92.51 feet; thence N 88° 35' 39" E, a distance of 9.80 feet to a point now known as Point C; thence S 63° 21' 45" W, a distance of 94.38 feet; thence S 25° 56' 35" E, a distance of 15.00 feet, to a point on a curve; thence Southwesterly along a curve to the left, having an initial tangent bearing of S 64° 03' 25" W, a radius of 348.00 feet, a central angle of 3° 12' 48", and an arc distance of 19.52 feet, to a point on the West line of said Lot 6; thence N 2° 32' 07" W, a distance of 33.23 feet, to the Point of Beginning;

And Also;

Commencing at aforesaid mentioned Point C, thence N 88° 35' 39" E, a distance of 102.56 feet; thence S 64° 41' 03" E, a distance of 13.72 feet; thence S 31° 41' 12" E, a distance of 39.05 feet; thence S 8° 32' 14" E, a distance of 89.41 feet; thence S 2° 32' 06" E, a distance of 196.24 feet to the Point of Beginning; thence continuing S 2° 32' 06" E, a distance of 119.41 feet; thence S 87° 27' 54" W, a distance of 11.00 feet; thence N 2° 32' 06" W, a distance of 119.41 feet; thence N 88° 35' 04" E, a distance of 11.00 feet to the Point of Beginning, which together contain 2,678 square feet, more or less.

Project Sub-Tract No. 2G

All that part of Lot 8, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 8; thence N 87° 27' 54" E, along the North line of said Lot 8, a distance of 12.00 feet; thence continuing N 87° 27' 54" E, along said North line, a distance of 10.00 feet, to the Point of Beginning; thence continuing N 87° 27' 54" E, along said North line, a distance of 18.00 feet; thence S 2° 32' 06" E, a distance of 219.79 feet; thence N 87° 27' 54" E, a distance of 165.00 feet; thence S 2° 32' 06" E, a distance of 78.22 feet, to a point on the South line of said Lot 8; thence S 87° 27' 54" W, along said South line, a distance of 195.00 feet; thence N 2° 32' 06" W, a distance of 233.29 feet; thence N 8° 07' 05" E, a distance of 64.91 feet; thence N 2° 32' 06" W, a distance of 0.93 feet, to the Point of Beginning; containing 21,453 square feet, more or less; and

Project Sub-Tract No. 2H

All that part of Lot 7, SHEAN'S CROSSING 2ND PLAT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of said Lot 7; thence S 87° 27' 54" W, along the North line of said Lot 7, a distance of 10.00 feet; thence S 2° 32' 07" E, a distance of 30.00 feet to the Point of Beginning; thence S 2° 32' 07" E, a distance of 258.01 feet; thence S 87° 27' 54" W, a distance of 11.00 feet; thence N 2° 32' 07" W, a distance of 258.01 feet; thence N 87° 27' 54" E, a distance of 11.00 feet, to the Point of Beginning, containing 2,835 square feet, more or less.

Project Tract No. 3

Fee Simple Owner: RS Associates, LLC
c/o Rakesh Gupta, Registered Agent
13316 W. 138th Street
Overland Park, Kansas

Legal Description of the Real Property to be acquired for Permanent Utility Easement

All that part of Lot 1, SHEAN'S SETTLEMENT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1; thence N 2° 32' 06" W along the West line of said Lot 1, a distance of 42.07 feet; thence departing said West line N 87° 27' 54" E, a distance of 20.00 feet to a point on the East line of a 20 foot water line

easement established by said plat, said point also being the Point of Beginning; thence N 2° 32' 06" W along said East line, a distance of 2.96 feet; thence departing said East line N 0° 14' 08" W, a distance of 41.59 feet to a point on the Southeasterly line of a 20 foot water line easement established by Book 5436 at Page 402 as recorded in the Register of Deeds Office, Johnson County, Kansas; thence N 43° 16' 53" E along said Southeasterly line, a distance of 29.05 feet; thence departing said Southeasterly line S 0° 14' 08" E a distance of 43.47 feet, to a point on the Northwesterly line of a 15 foot utility easement established by said plat; thence S 41° 41' 09" W along said Northwesterly line a distance of 29.76 feet, to the Point of Beginning, containing 881 square feet, more or less.

Legal Description of the Real Property to be acquired for Temporary Construction Easement:

All that part of Lot 1, SHEAN'S SETTLEMENT, in the City of Gardner, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northwest corner of said Lot 1; thence N 87° 27' 54" E, along the North line of said Lot 1, a distance of 10.00 feet, to the Point of Beginning; thence continuing N 87° 27' 54" E, along said North line, a distance of 195.00 feet; thence S 2° 32' 06" E, a distance of 66.84 feet; thence S 87° 27' 54" W, a distance of 105.53 feet; thence N 2° 32' 06" W, a distance of 20.06 feet; thence S 87° 27' 54" W, a distance of 47.79 feet; thence S 2° 32' 06" E, a distance of 225.02 feet; thence S 82° 47' 22" E, a distance of 232.09 feet to a point on the South line of Lot 1, said point is also being a point on a curve; thence Southwesterly along said South line of said Lot 1 being a curve to the left, having an initial tangent bearing of S 58° 00' 08" W, a radius of 850.00 feet, a central angle of 2° 48' 40" and an arc length of 41.70 feet to a point of non-tangency; thence S 34° 48' 32" E along said South line, a distance of 10.00 feet to a point on a curve; thence Southwesterly along said South line of said Lot 1 being a curve to the left, having an initial tangent bearing of S 55° 11' 28" W, a radius of 840.00 feet, a central angle of 13° 03' 20", and an arc length of 198.00 feet; thence S 41° 41' 09" W, along the said South line, a distance of 124.03 feet; thence N 2° 32' 06" W, a distance of 554.23 feet, to the Point of Beginning, containing 57,534 square feet, more or less.

Project Tract No. 5

Fee Simple Owner: Kashmir, LLC
c/o Mazhar I Dad
2414 SW 11th Terrace
Lee's Summit, Missouri 64081

Legal Description of the Real Property to be acquired in Fee Simple for Road Right of Way
The West 11.50 feet of Lot 1, SINGH FOOD AND GAS SERVICES, a subdivision of land located in Gardner, Johnson County, Kansas, containing 1,894 square feet, more or less.

Legal Description of the Real Property to be acquired for Temporary Construction Easement

The East 13.50 feet of the West 25.00 feet of Lot 1, SINGH FOOD AND GAS SERVICES, a subdivision of land located in Gardner, Johnson County, Kansas, containing 2,215 square feet, more or less.