

ORDINANCE NO. 2648

AN ORDINANCE condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a raw water lines and improvements attendant thereto from Hillsdale Lake to the City’s Hillsdale Water Treatment Plant located within Miami 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 raw water lines and improvements attendant thereto from Hillsdale Lake to the City’s Hillsdale Water Treatment Plant located within Miami 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 21st DAY OF January, 2020.**

_____/s/_____
Steve Shute, Mayor

ATTEST:

_____/s/_____
Sharon Rose
City Clerk

APPROVED AS TO FORM:

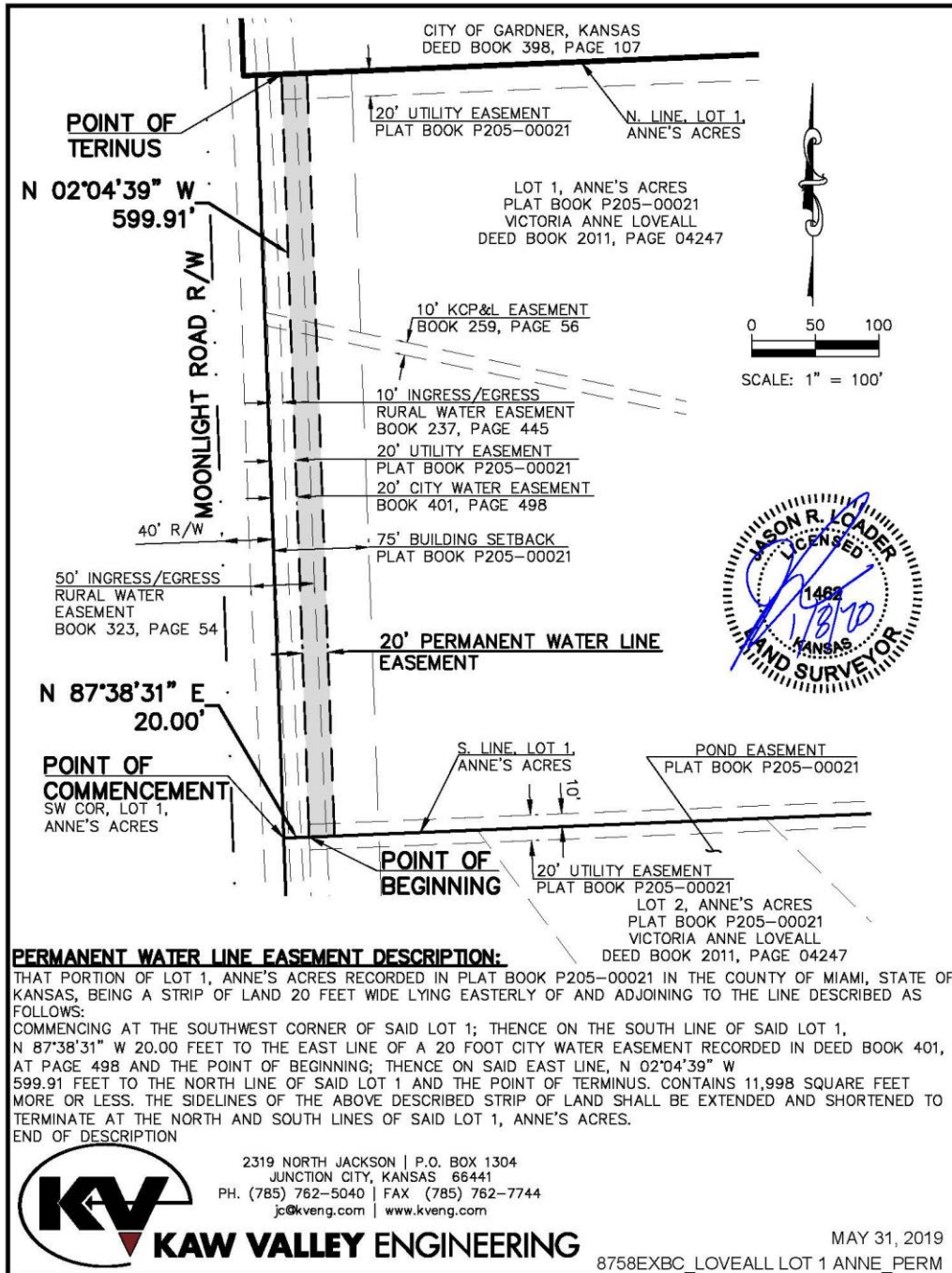
_____/s/_____
Ryan Denk
City Attorney

EXHIBIT A

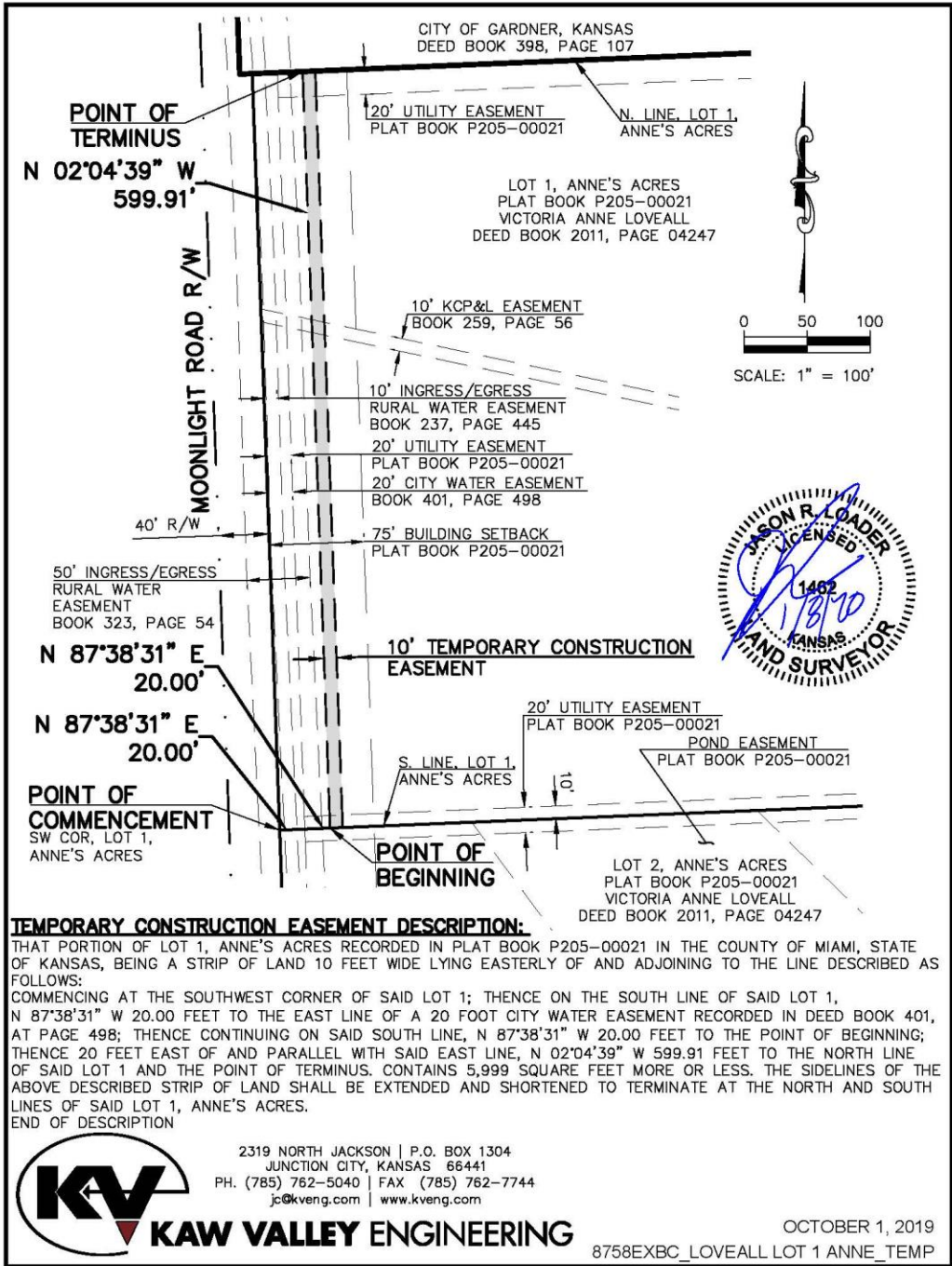
Project Tract No. 1

Fee Simple Owner: Victoria Anne Loveall

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



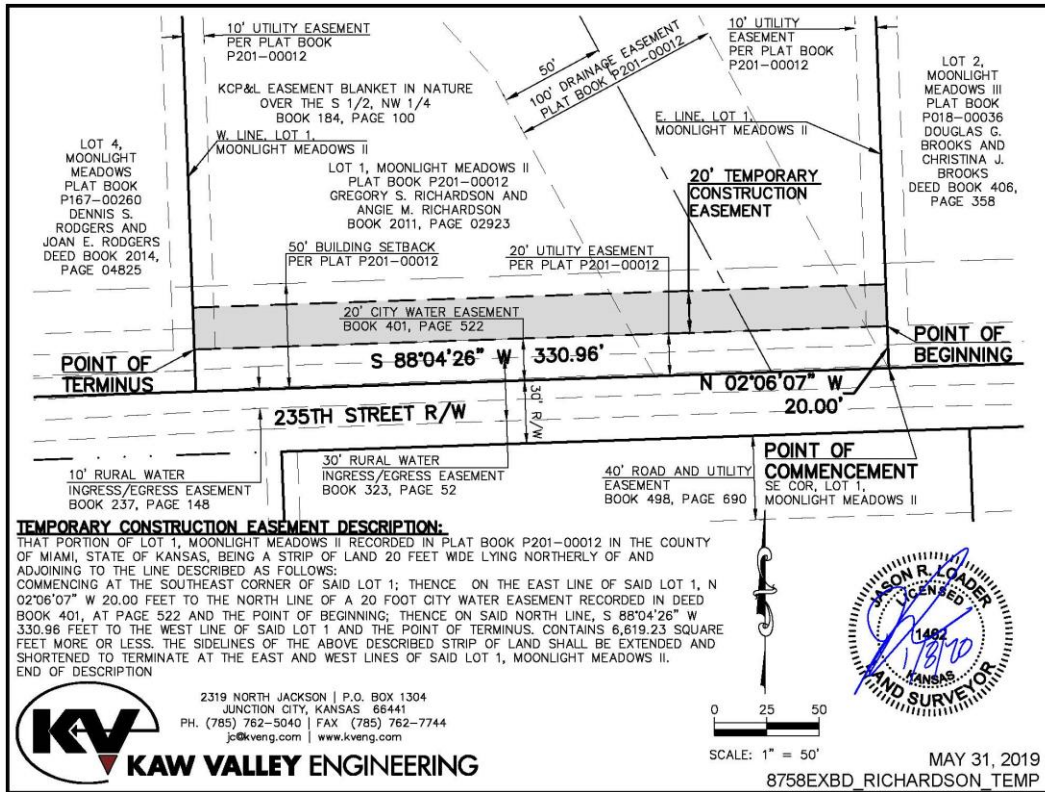
Legal Description of the Real Property to be acquired for Temporary Construction Easement:



Project Tract No. 2

Fee Simple Owner: Gregory S. Richardson and Angie M. Richardson

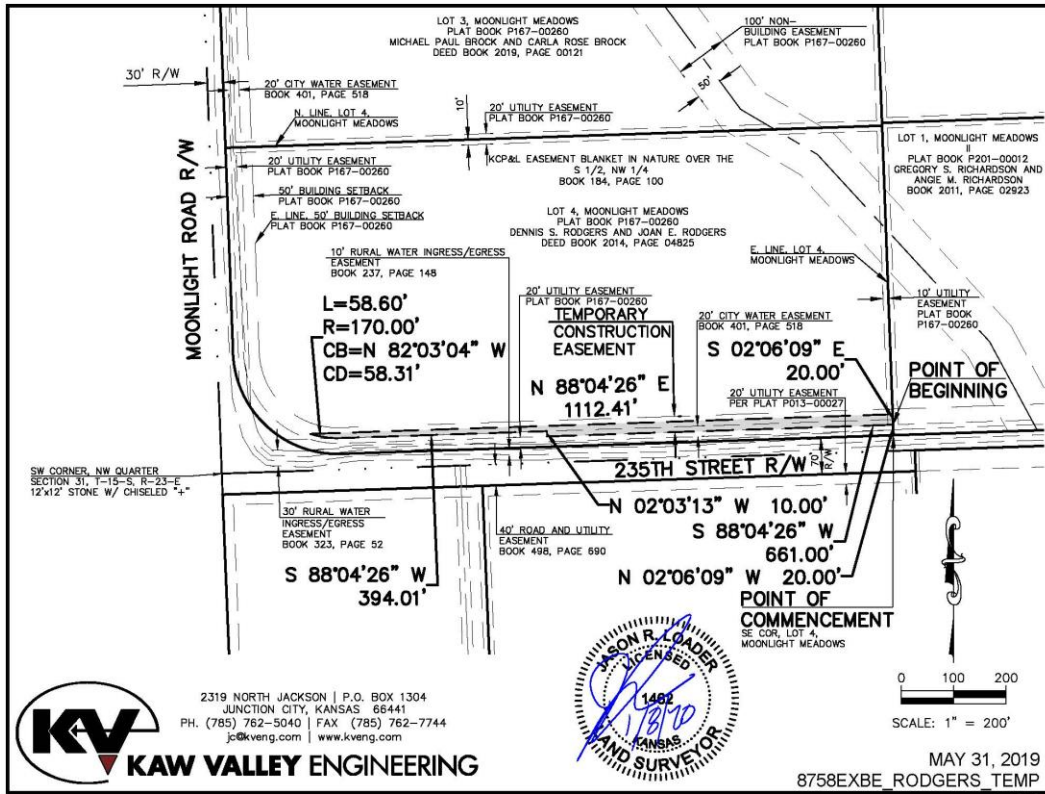
Legal Description of the Real Property to be acquired for Temporary Construction Easement:



Project Tract No. 3

Fee Simple Owner: Dennis S. Rodgers and Joan E. Rodgers

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



TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

THAT PORTION OF LOT 4, MOONLIGHT MEADOWS RECORDED IN PLAT BOOK P167-00260 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE ON THE EAST LINE OF SAID LOT 4, N 02°06'09" W 20.00 TO THE NORTH LINE OF A 20 FOOT UTILITY EASEMENT RECORDED IN PLAT BOOK P167-00260 AND TO THE POINT OF BEGINNING; THENCE ON SAID NORTH LINE S 88°04'26" W 661.00 FEET; THENCE N 02°03'13" W 10.00 FEET; THENCE S 88°04'26" W 394.01 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ON THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 58.60 FEET, AND BEING SUBTENDED BY A CHORD WHICH BEARS N 82°03'04" W 58.31 FEET; THENCE N 88°04'26" E 1,112.41 FEET TO SAID EAST LINE; THENCE ON SAID EAST LINE, S 02°06'09" E 20.00 FEET TO THE POINT OF BEGINNING. CONTAINS 17,545.03 SQUARE FEET MORE OR LESS.
END OF DESCRIPTION



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KAW VALLEY ENGINEERING

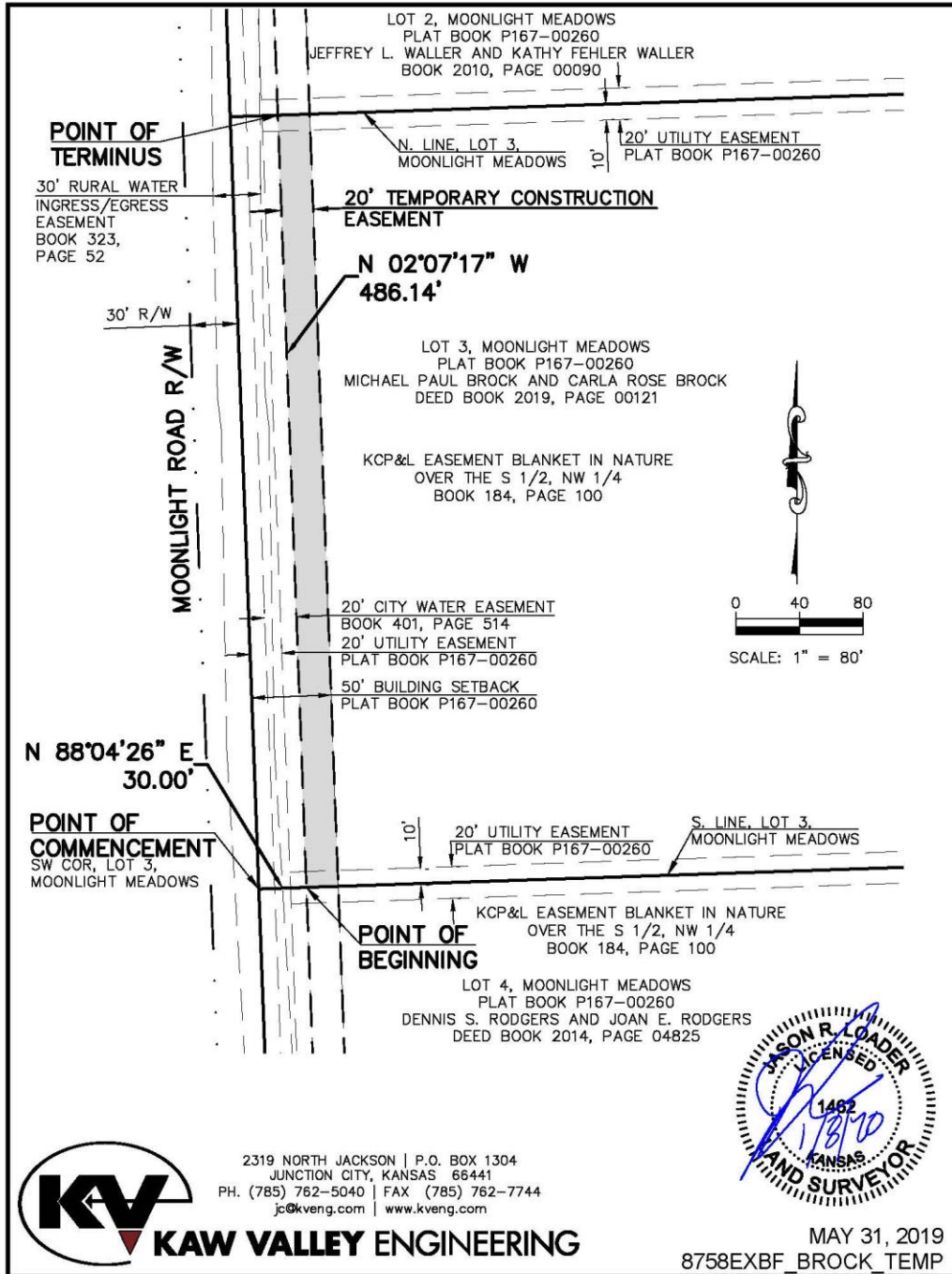
MAY 31, 2019
8758EXBE RODGERS_TEMP

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Project Tract No. 4

Fee Simple Owner: Michael Paul Brock and Carla Rose Brock

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



TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

THAT PORTION OF LOT 3, MOONLIGHT MEADOWS RECORDED IN PLAT BOOK P167-00260 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 20 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON THE SOUTH LINE OF SAID LOT 3, N 88°04'26" E 30.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 514 AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, N 02°07'17" W 486.14 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE POINT OF TERMINUS. CONTAINS 9,22 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID LOT 3, MOONLIGHT MEADOWS.
END OF DESCRIPTION



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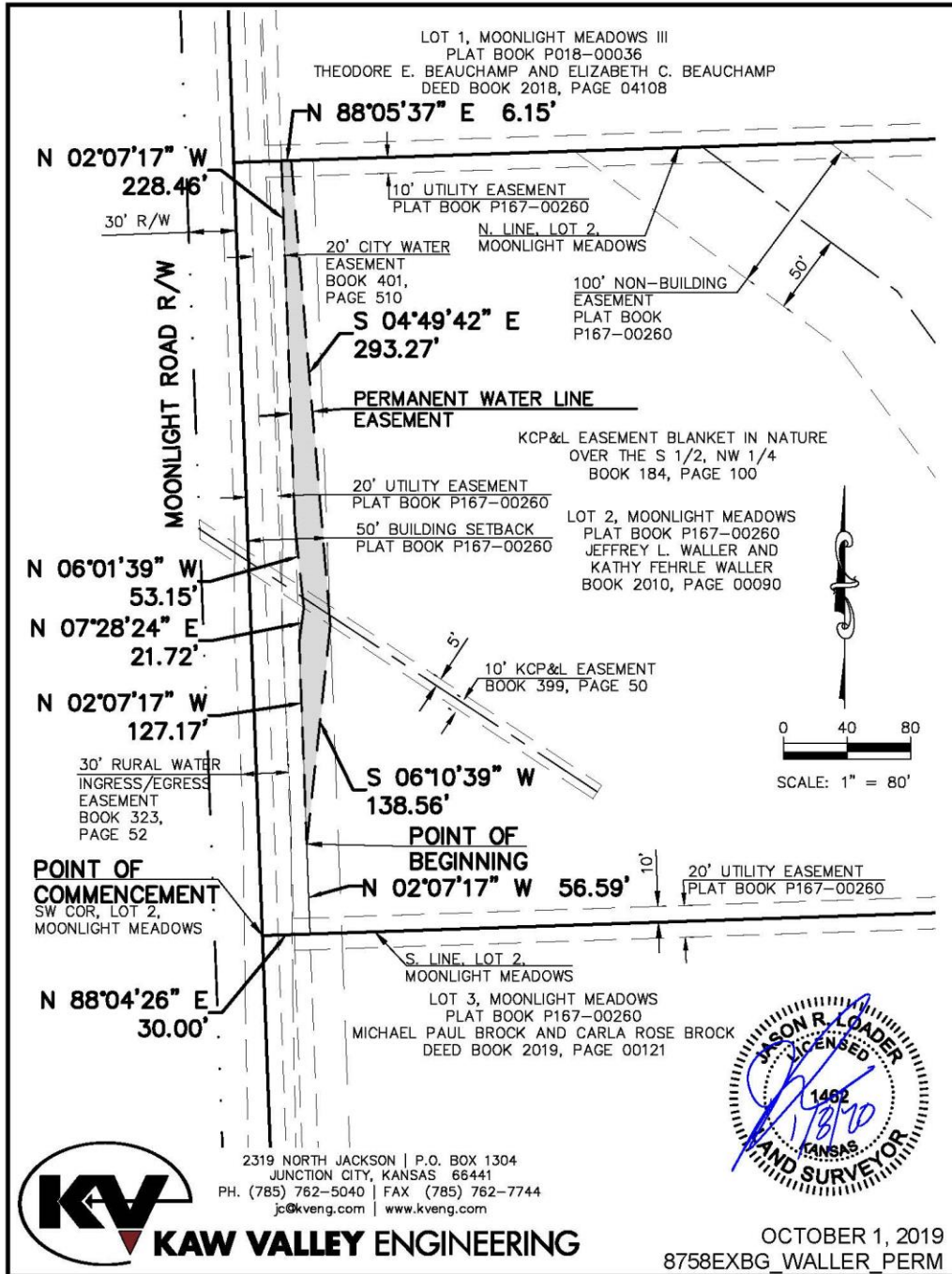
MAY 31, 2019
8758EXBF_BROCK_TEMP

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Project Tract No. 5

Fee Simple Owner: Jeffrey L. Waller and Kathy Fehrle Waller

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



PERMANENT WATER LINE EASEMENT DESCRIPTION:

THAT PORTION OF LOT 2, MOONLIGHT MEADOWS RECORDED IN PLAT BOOK P167-00260 IN THE COUNTY OF MIAMI, STATE OF KANSAS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ON THE SOUTH LINE OF SAID LOT 2, N 88°04'26" E 30.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 510; THENCE ON SAID EAST LINE, N 02°07'17" W 56.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON SAID EAST LINE, N 02°07'17" W 127.17 FEET; THENCE N 07°28'24" E 21.72 FEET; THENCE N 06°01'39" FEET 53.15 FEET TO THE EAST LINE OF SAID 20 FOOT CITY WATER EASEMENT; THENCE ON SAID EAST LINE, N 02°07'17" W 228.46 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE ON SAID NORTH LINE N 88°05'37" E 6.15 FEET; THENCE S 04°49'42" E 293.27 FEET; THENCE S 06°10'39" W 138.56 FEET TO THE POINT OF BEGINNING. CONTAINS 5066.52 SQUARE FEET MORE OR LESS.
END OF DESCRIPTION



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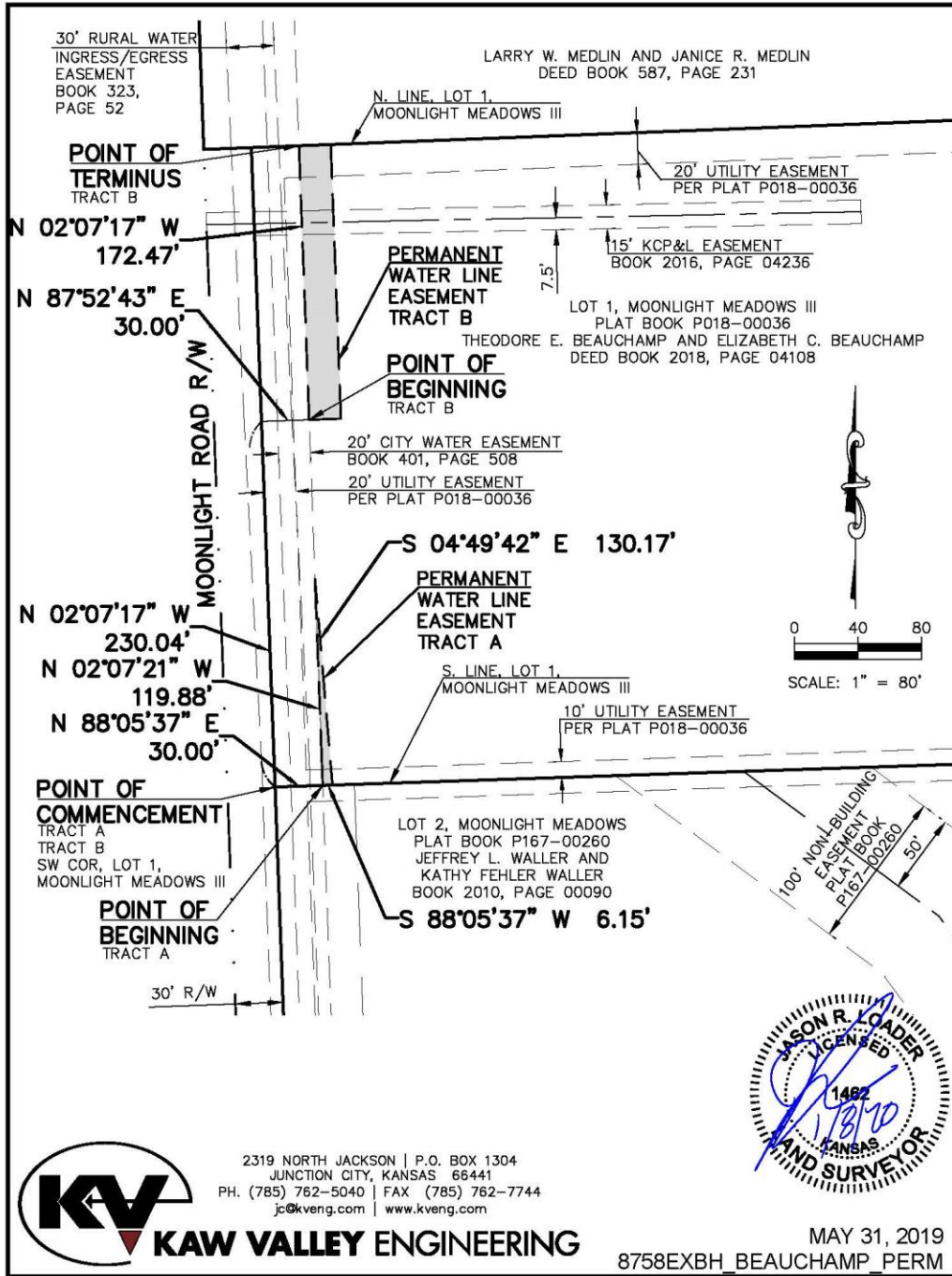
OCTOBER 1, 2019
8758EXBG_WALLER_PERM

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Project Tract No. 6

Fee Simple Owner: Theodore E. Beauchamp and Elizabeth C. Beauchamp

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



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PERMANENT WATER LINE EASEMENT TRACT A DESCRIPTION:

THAT PORTION OF LOT 1, MOONLIGHT MEADOWS III RECORDED IN PLAT BOOK P018-04236 IN THE COUNTY OF MIAMI, STATE OF KANSAS, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ON THE SOUTH LINE OF SAID LOT 1, N 88°05'37" W 30.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 508 AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, N 02°07'17" W 119.88 FEET; THENCE S 04°49'42" E 130.17 FEET TO SAID SOUTH LINE OF LOT 1; THENCE ON SAID SOUTH LINE S 88°05'37" W 6.15 FEET TO THE POINT OF BEGINNING. CONTAINS 399 SQUARE FEET MORE OR LESS.
END OF DESCRIPTION

PERMANENT WATER LINE EASEMENT TRACT B DESCRIPTION:

THAT PORTION OF LOT 1, MOONLIGHT MEADOWS III RECORDED IN PLAT BOOK P018-04236 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 20 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE ON THE WEST LINE OF SAID LOT 1, N 02°07'17" W 230.04 FEET; THENCE N 87°52'43" E 30.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 508 AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, N 02°07'17" W 172.47 FEET TO THE NORTH LINE OF SAID LOT 1 AND TO THE POINT OF TERMINUS. CONTAINS 2,476.53 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH LINE OF SAID LOT 1, MOONLIGHT MEADOWS III.
END OF DESCRIPTION



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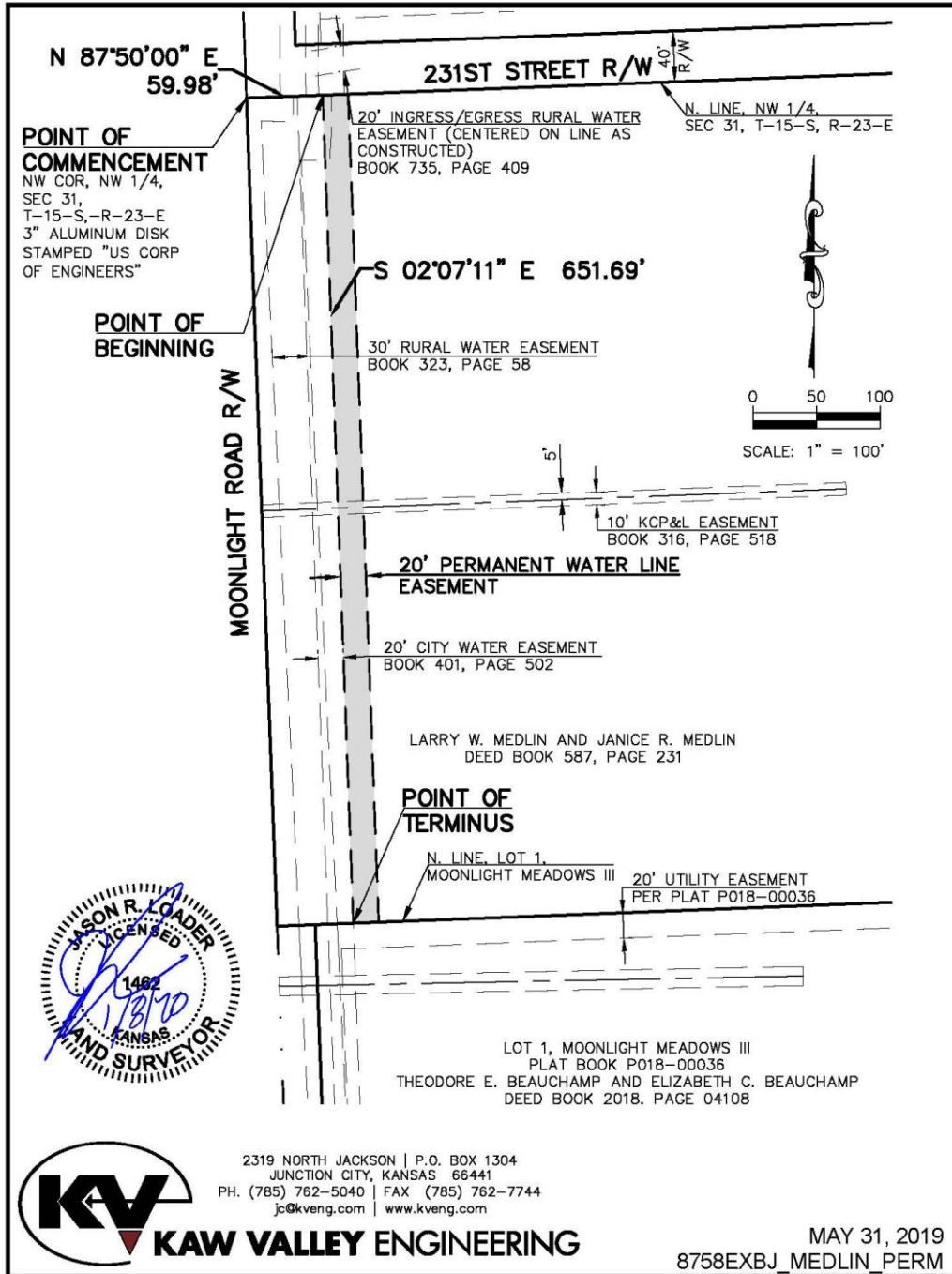


MAY 31, 2019
8758EXBH_BEauchamp_PERM

Project Tract No. 7

Fee Simple Owner: Larry W. Medlin and Janice R. Medlin

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



PERMANENT WATER LINE EASEMENT DESCRIPTION:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 15 SOUTH, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 20 FEET WIDE LYING EAST OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE ON THE NORTH LINE OF SAID NORTHWEST QUARTER, N 87°50'00" E 59.98 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 502, AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, S 02°07'11" E 651.69 FEET TO THE NORTH LINE OF LOT 1, MOONLIGHT MEADOWS III RECORDED IN PLAT BOOK P018-00036 AND THE POINT OF TERMINUS. CONTAINS 13,034 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH LINE OF SAID NORTHWEST QUARTER AND NORTH LINE OF SAID LOT 1, MOONLIGHT MEADOWS III.
END OF DESCRIPTION



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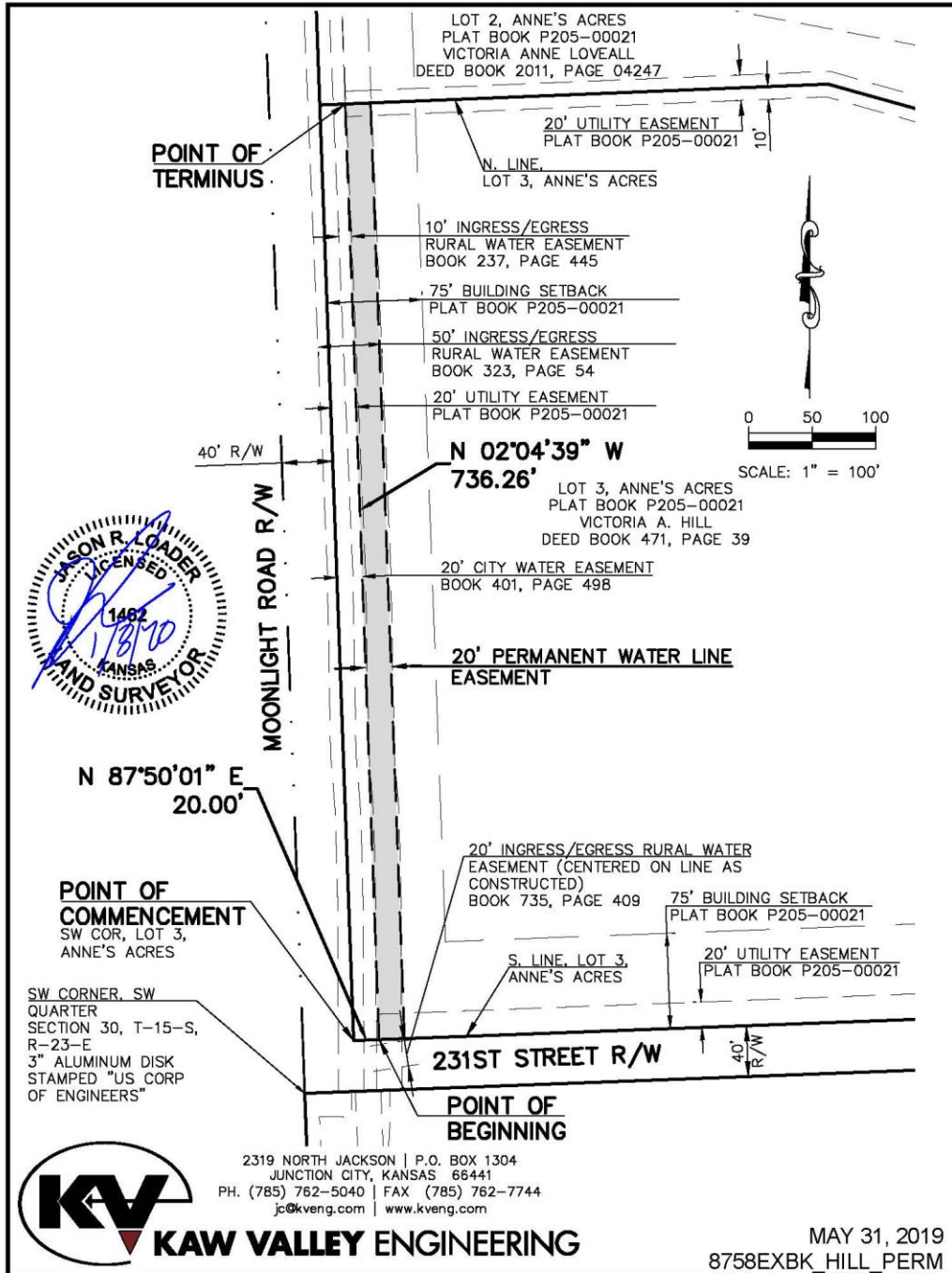
MAY 31, 2019
8758EXBJ_MEDLIN_PERM

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Project Tract No. 8

Fee Simple Owner: Victoria A. Hill

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



PERMANENT WATER LINE EASEMENT DESCRIPTION:

THAT PORTION OF LOT 3, ANNE'S ACRES RECORDED IN PLAT BOOK P205-00021 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 20 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON THE SOUTH LINE OF SAID LOT 3, N 87°50'01" E 20.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 498 AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, N 02°04'39" W 736.26 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE POINT OF TERMINUS. CONTAINS 14,726 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID LOT 3, ANNE'S ACRES.
END OF DESCRIPTION



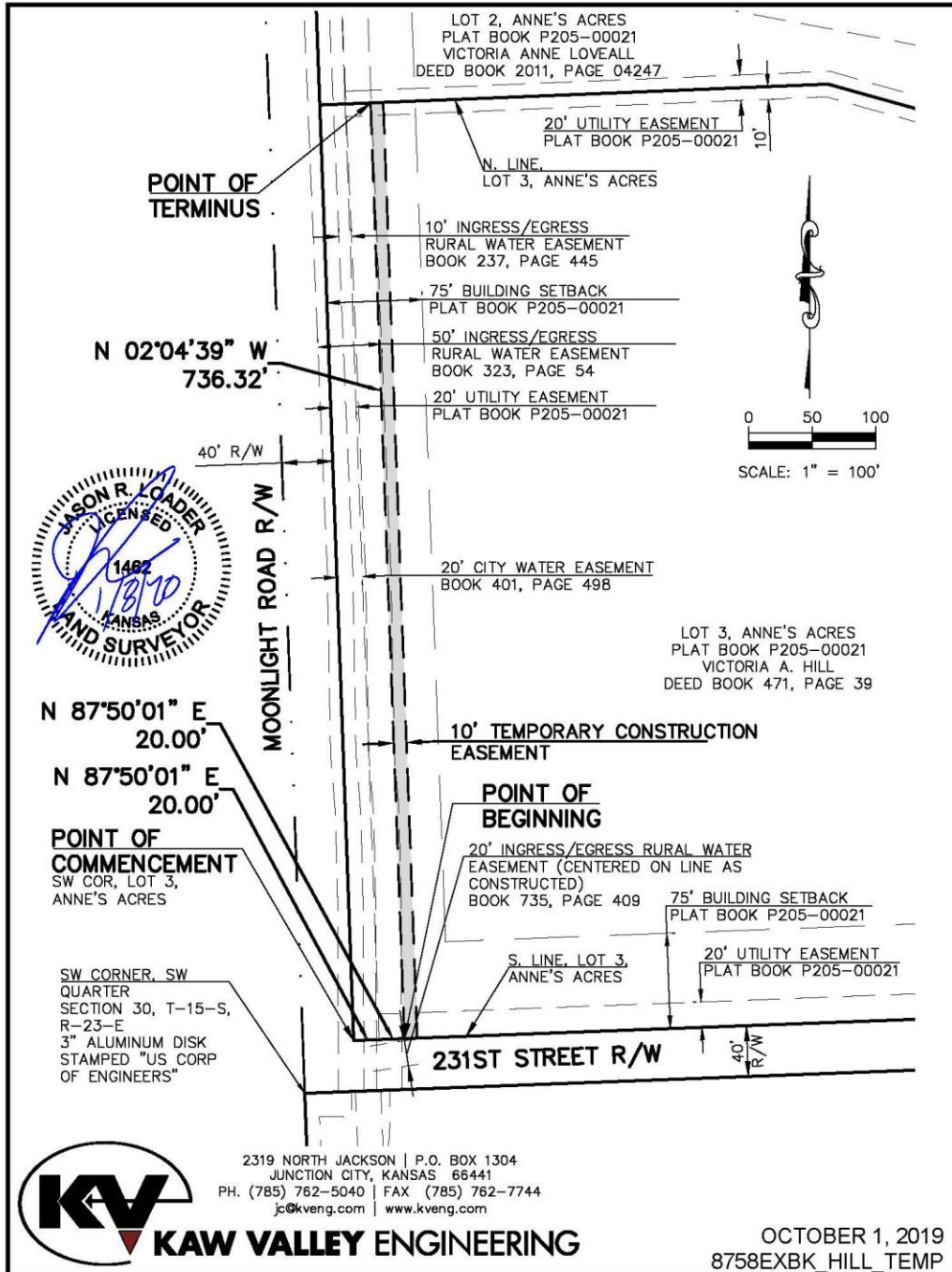
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Legal Description of the Real Property to be acquired for Temporary Construction Easement:



TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

THAT PORTION OF LOT 3, ANNE'S ACRES RECORDED IN PLAT BOOK P205--00021 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 10 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ON THE SOUTH LINE OF SAID LOT 3, N 87°50'01" E 20.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 498; THENCE CONTINUING ON SAID SOUTH LINE, N 87°50'01" E 20.00 FEET TO THE POINT OF BEGINNING; THENCE 20 FEET EAST OF AND PARALLEL WITH SAID EAST LINE, N 02°04'39" W 736.32 FEET TO THE NORTH LINE OF SAID LOT 3 AND THE POINT OF TERMINUS. CONTAINS 7,363 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID LOT 3, ANNE'S ACRES. END OF DESCRIPTION



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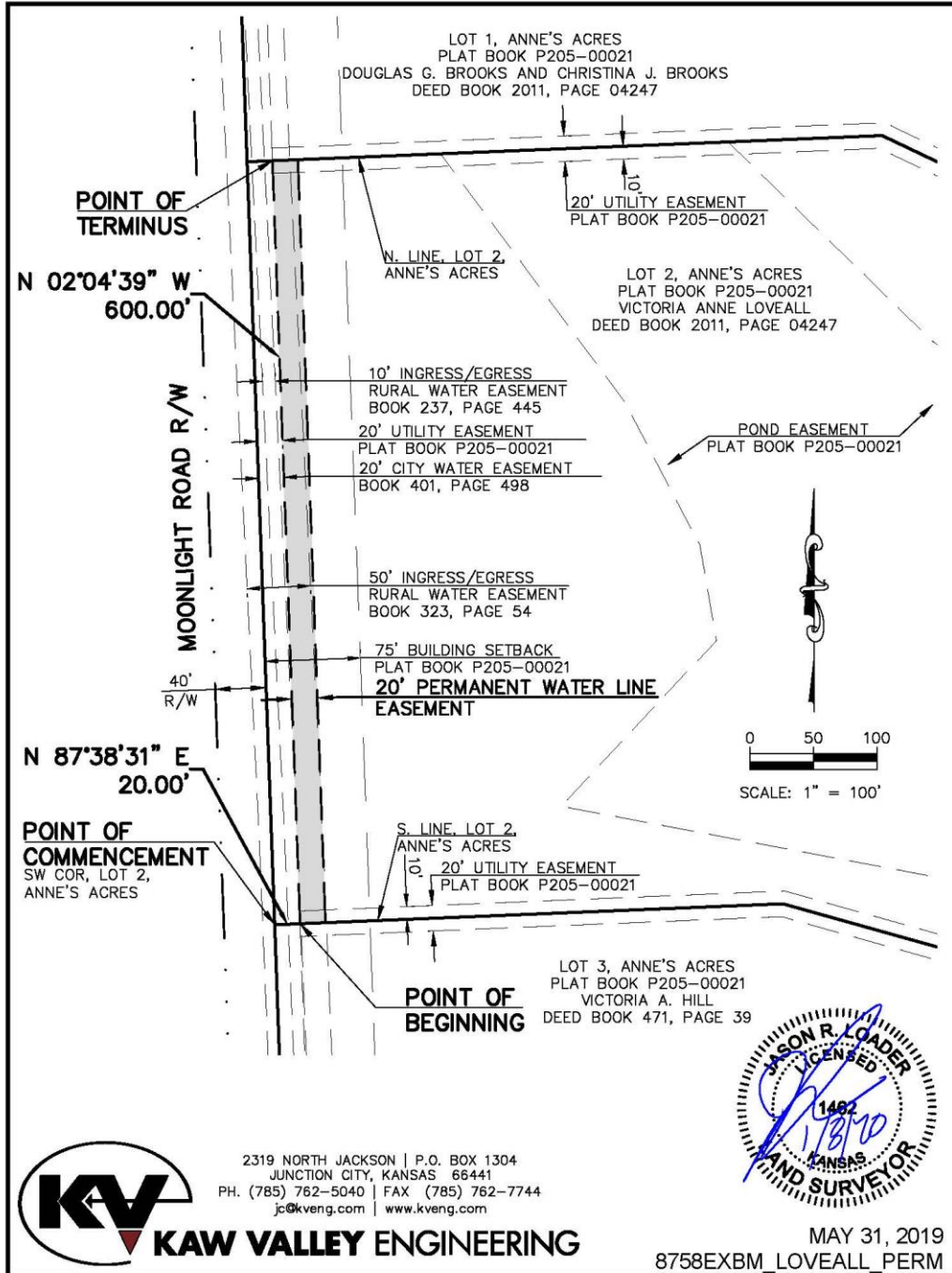
OCTOBER 1, 2019
8758EXBK_HILL_TEMP

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Project Tract No. 9

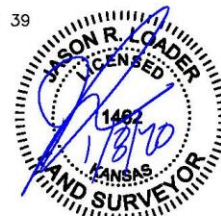
Fee Simple Owner: Victoria Anne Loveall

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



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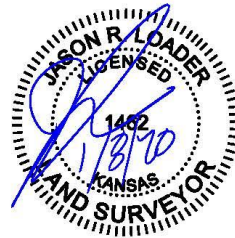
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8758EXBM_LOVEALL_PERM

PERMANENT WATER LINE EASEMENT DESCRIPTION:

THAT PORTION OF LOT 2, ANNE'S ACRES RECORDED IN PLAT BOOK P205-00021 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 20 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ON THE SOUTH LINE OF SAID LOT 2, N 87°38'31" E 20.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 498 AND THE POINT OF BEGINNING; THENCE ON SAID EAST LINE, N 02°04'39" W 600.00 FEET TO THE NORTH LINE OF SAID LOT 2 AND THE POINT OF TERMINUS. CONTAINS 12,000 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID LOT 2, ANNE'S ACRES.
END OF DESCRIPTION



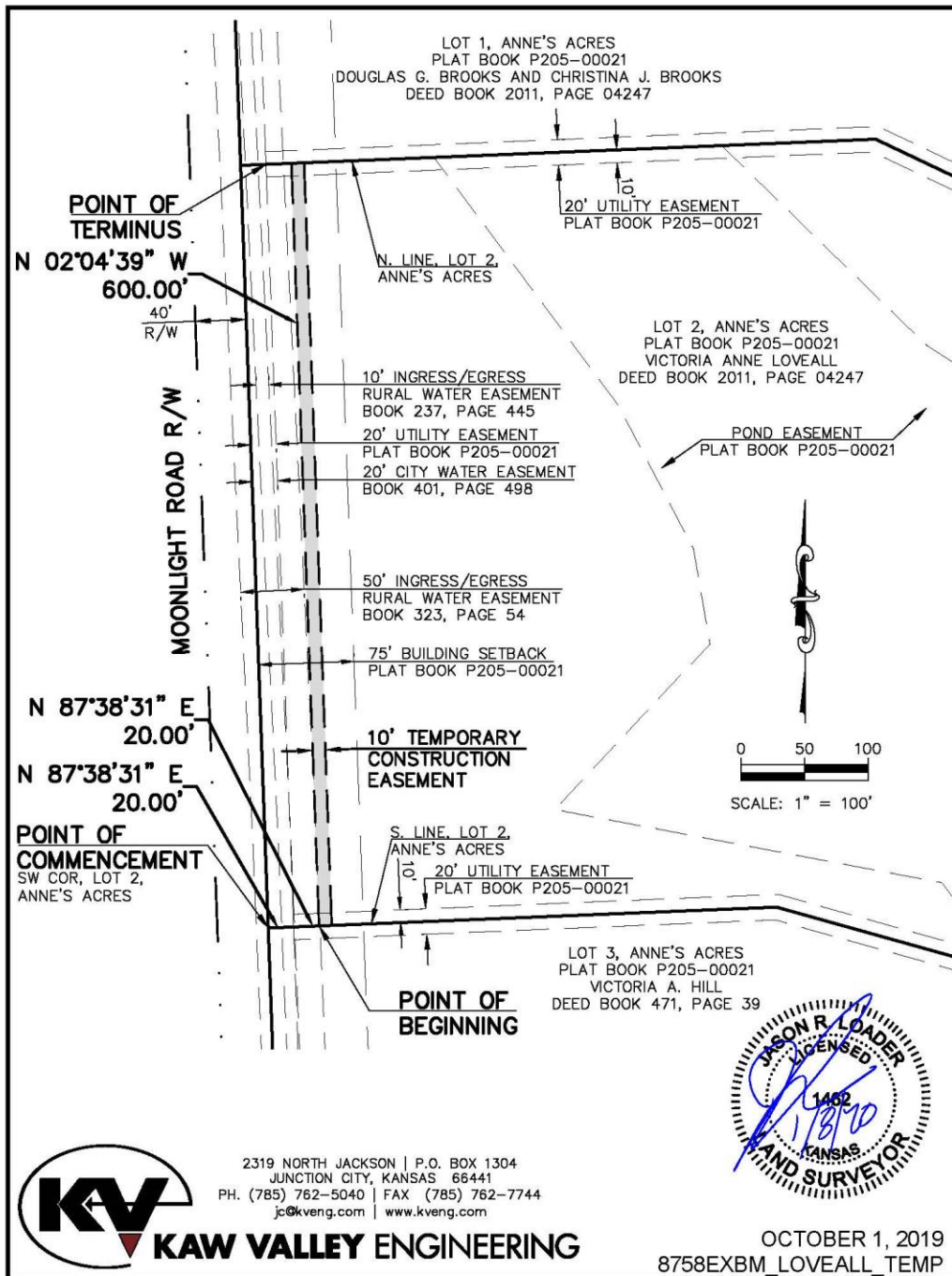
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Legal Description of the Real Property to be acquired for Temporary Construction Easement:



TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

THAT PORTION OF LOT 2, ANNE'S ACRES RECORDED IN PLAT BOOK P205-00021 IN THE COUNTY OF MIAMI, STATE OF KANSAS, BEING A STRIP OF LAND 10 FEET WIDE LYING EASTERLY OF AND ADJOINING TO THE LINE DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE ON THE SOUTH LINE OF SAID LOT 2, N 87°38'31" E 20.00 FEET TO THE EAST LINE OF A 20 FOOT CITY WATER EASEMENT RECORDED IN DEED BOOK 401, AT PAGE 498; THENCE CONTINUING ON SAID SOUTHERLY LINE, N 87°38'31" E 20.00 FEET TO THE POINT OF BEGINNING; THENCE 20 FEET EAST OF AND PARALLEL WITH SAID EAST LINE, N 02°04'39" W 600.00 FEET TO THE NORTH LINE OF SAID LOT 2 AND THE POINT OF TERMINUS. CONTAINS 6,000 SQUARE FEET MORE OR LESS. THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE EXTENDED AND SHORTENED TO TERMINATE AT THE NORTH AND SOUTH LINES OF SAID LOT 2, ANNE'S ACRES.
END OF DESCRIPTION



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Project Tract No. 10

Fee Simple Owner: William James Osborn and Ruth Pauline Osborn

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

