

ORDINANCE NO. 2702

AN ORDINANCE CONDEMNING LAND FOR THE LOCATION, LAYING-OUT, CONSTRUCTION, RECONSTRUCTION, OPERATION, USE, MAINTENANCE AND REPAIR OF A ROADWAY IMPROVEMENT PROJECT KNOWN AS THE US-56 HIGHWAY PAVEMENT RECONSTRUCTION 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 US-56 Highway Pavement Reconstruction 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 17 DAY OF May, 2021.**

/s/
Steve Shute, Mayor

ATTEST:

/s/
Sharon Rose, City Clerk

APPROVED AS TO FORM:

/s/
Ryan B. Denk, City Attorney

EXHIBIT A

Tract No. 11

Fee Simple Owner: William D. Gay

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 1, WHITE ACRES, a subdivision of land recorded in 1959 in Book 21 at Page 32, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 1, having a bearing of North 02° 01' 51" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 1, WHITE ACRES;

Thence North 02° 01' 51" West, 12.00 feet, on the West line of said Lot 1;

Thence North 88° 22' 54" East, 150.00 feet, parallel with and 12.00 feet North of the South Line of said Lot 3, to the East line of said Lot 1;

Thence South 02° 01' 51" East, 12.00 feet, on the East line of said Lot 1, to the Southeast corner of said Lot 1;

Thence South 88° 22' 54" West, 150.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 1,800 square feet or 0.0413 acres.

Tract No. 12

Fee Simple Owner: William D. Gay

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 2, WHITE ACRES, a subdivision of land recorded in 1959 in Book 21 at Page 32, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 2, having a bearing of North 02° 01' 51" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southwest corner of said Lot 2, WHITE ACRES;

Thence North 02° 01' 51" West, 12.00 feet, on the West line of said Lot 2;

Thence North 88° 22' 54" East, 99.80 feet, parallel to and 12.00 Feet North of the South line of said Lot 2, to the East line of said Lot 2 ;

Thence South 03° 00' 07" East, 12.00 feet, on the East line of said Lot 2, to the Southeast corner of said Lot 2;

Thence South 88° 22' 54" West, 100.00 feet, on said South line, to the POINT OF BEGINNING, said Tract containing 1,199 square feet or 0.0275 acres.

Tract No. 21

Fee Simple Owner: QuikTrip Corporation

Legal Description of the Real Property to be acquired for Road Right of Way:

A Tract of land for the purposes of a Right-of-Way, being a part of Lot 1, QUIKTRIP STORE NO. 249, a subdivision of land recorded on December 18, 2012 in Plat Book 201212 at Page 006886, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 1, having a bearing of North 02° 08' 03" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of said Lot 1, QUIKTRIP STORE NO. 249;

Thence South 80° 29' 34" West, 93.79 feet, on the South line of said Lot 1;

Thence South 83° 18' 42" West, 72.30 feet, on said South line, to the POINT OF BEGINNING of the tract of land herein described;

Thence South 83° 18' 42" West, 62.72 feet, on said South line;

Thence South 87° 51' 57" West, 72.39 feet, on said South line, to the Southwest corner of said Lot 1;

Thence North 02° 08' 03" West, 4.98 feet, on the West line of said Lot 1;

Thence North 87° 51' 57" East, 134.92 feet, to the POINT OF BEGINNING, said Tract containing 275 square feet or 0.0063 acres.

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

A Tract of land for the purposes of a sidewalk easement, being a part of Lot 1, QUIKTRIP STORE NO. 249, a subdivision of land recorded on December 18, 2012 in Plat Book 201212 at Page 006886, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 1, having a bearing of North 02° 08' 03" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of said Lot 1, QUIKTRIP STORE NO. 249;

Thence South 80° 29' 34" West, 93.79 feet, on the South line of said Lot 1, to the POINT OF BEGINNING of the tract of land herein described;

Thence South 83° 18' 42" West, 72.30 feet, continuing on said South line;

Thence South 87° 51' 57" West, 134.92 feet, on said South line, to a point on the West line of Said Lot 1;

Thence North 02° 08' 03" West, 7.12 feet, on said West line;

Thence North 88° 16' 05" East, 110.00 feet;

Thence North 85° 16' 24" East, 96.57 feet;

Thence South 08° 05' 52" East, 5.00 feet, to the POINT OF BEGINNING, said Tract containing 1,361 square feet or 0.0312 acres.

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 1, QUIKTRIP STORE NO. 249, a subdivision of land recorded on December 18, 2012 in Plat Book 201212 at Page 006886, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 1, having a bearing of North 02° 08' 03" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 1, QUIKTRIP STORE NO. 249;

Thence South 80° 29' 34" West, 93.79 feet, on the South line of said Lot 1;

Thence North 08° 05' 52" West, 5.00 feet, leaving said South line;

Thence South 85° 16' 24" West, 96.57 feet;

Thence South 88° 16' 05" West, 110.00 feet, to a point on the West line of said Lot 1;

Thence North 02° 08' 03" West, 17.90 feet, on said West line;

Thence North 87° 51' 57" East, 70.00 feet;

Thence South 02° 08' 03" East, 10.00 feet;

Thence North 88° 21' 29" East, 122.63 feet;

Thence North 80° 29' 34" East, 108.27 feet, parallel with and 10.00 feet North of said South line, to a point on the East line of said Lot 1;

Thence South 02° 07' 57" East, 10.08 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 3,112 square feet or 0.0714 acres.



Tract No. 22

Fee Simple Owner: WG Gardner KS Landlord, LLC

Legal Description of the Real Property to be acquired for Road Right of Way:

A Tract of land for the purposes of a Right-of-Way, being a part of Lot 1, MOONLIGHT PLAZA FIRST PLAT, a subdivision of land recorded in 1985 in Plat Book 60 at Page 21, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of Lot 4, MAIN STREET MARKET PLACE, a subdivision of land recorded in Plat Book 202001, Page 003858, having a bearing of South 02° 07' 57" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of a parcel of land described in Warranty Deed Book 201201, Page 001538, said point also being on the North Right-of-Way line of Main Street as established in Book 2564, Page 398;

Thence South 75° 26' 01" West, 378.39 feet, on said North Right-of-Way line, to the beginning of a tangent curve, concave to the Northwest and having a radius of 1389.46 feet;

Thence Southwesterly on said curve, an arc length of 32.14 feet, and continuing on said North Right-of-Way line, to the Southwest corner of said Book 201201, Page 001538, said curve having a chord bearing of South 76° 05' 47" West and a chord distance of 32.14 feet;

Thence North 02° 07' 57" West, 21.31, on the West line, of said Book 201201, Page 001538;

Thence South 72° 55' 35" East, 21.31 feet;

Thence North 75° 26' 01" East, 390.00 feet, parallel with and 10.00 feet North of said North Right-of-Way line, to a point on the East line of said Book 201201, Page 001538;

Thence South 02° 07' 57" East, 10.24 feet, on said East line to the POINT OF BEGINNING, said Tract containing 4,217 square feet or 0.0968 acres.

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 1, MOONLIGHT PLAZA FIRST PLAT, a subdivision of land recorded in 1985 in Plat Book 60 at Page 21, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of Lot 4, MAIN STREET MARKET PLACE, a subdivision of land recorded in Plat Book 202001, Page 003858, having a bearing of South 02° 07' 57" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southeast corner of a parcel of land described in a Warranty Deed recorded in Book 201201, Page 001538;

Thence North 02° 07' 57" West, 10.24 feet, on the East line of said Warranty Deed, to the POINT OF BEGINNING of said Tract herein described;

Thence South 75° 26' 01" West, 390.00 feet;

Thence North 72° 55' 35" West, 21.31, to a point on the West line of said Lot 1;

Thence North 02° 07' 57" West, 10.59 feet, on said West line;

Thence South 72° 55' 35" East, 21.96 feet;

Thence North 75° 26' 01" East, 389.37 feet, to a point on said East line;

Thence South 02° 07' 57" East, 10.24 feet, on said East line to the POINT OF BEGINNING, said Tract containing 4,113 square feet or 0.0944 acres.

Tract No. 38

Fee Simple Owner: DC Gardner Realty LLC

Legal Description of the Real Property to be acquired for Road Right of Way:

A Tract of land for the purposes of a Right-of-Way, being a part of a Tract of land in the Northeast Quarter of Section 25, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the North line of a Tract of land established by Warranty Deed on May 07, 2014 in Book 201405 at Page 002141, having a bearing of North 88° 22' 54" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Tract, said point also being the Northeast corner of Lot 1, LAWRENCE'S ADDITION NO. 2, a subdivision of record established in Book 200707 at Page 008837;

Thence North 88° 22' 54" East, 370.00 feet, on said North line;

Thence South 02° 04' 47" East, 8.00 feet;

Thence South 88° 22' 54" West, 370.00 feet, parallel with and 8.00 feet South of said North line, to a point on the West line of said Tract;

Thence North 02° 04' 47" West, 8.00 feet, to the POINT OF BEGINNING, said Tract containing 2,960 square feet or 0.0680 acres.

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

A Tract of land for the purposes of a temporary construction easement, being a part of a Tract of land in the Northeast Quarter of Section 25, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the North line of a Tract of land established by Warranty Deed on May 07, 2014 in Book 201405 at Page 002141, having a bearing of North 88° 22' 54" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northwest corner of said Tract, said point also being the Northeast corner of Lot 1, LAWRENCE'S ADDITION NO. 2, a subdivision of record established on July 25, 2007 in Book 200707 at Page 008837;

Thence North 88° 22' 54" East, 135.00 feet, on said North line;

Thence South 01° 37' 06" East, 8.00 feet, to the POINT OF BEGINNING of the Tract of land herein described;

Thence North 88° 22' 54" East, 65.00 feet, parallel with and 8.00 feet South of said North line;

Thence South 01° 37' 06" East, 10.00 feet;

Thence South 88° 22' 54" West, 65.00 feet, parallel with and 18.00 feet South of said North line;

Thence North 01° 37' 06" West, 10.00 feet, to the POINT OF BEGINNING, said Tract containing 650 square feet or 0.0149 acres.

Tract No. 39

Fee Simple Owner: Lonestar Duck LLC

Legal Description of the Real Property to be acquired for Road Right of Way:

A Tract of land for the purposes of a Right-of-Way, being a part of Lot 1, LAWRENCE'S ADDITION NO. 2, a subdivision of land recorded on July 25, 2007 in Plat Book 200707 at Page 8837, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 1, having a bearing of North 02° 04' 47" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Lot 1, LAWRENCE'S ADDITION NO. 2;

Thence North 88° 22' 54" East, 178.00 feet, on the North line of said Lot 1, to the Northeast corner of said Lot 1;

Thence South 02° 04' 47" East, 8.00 feet, on the East line of said Lot 1;

Thence South 88° 22' 54" West, 178.00 feet, parallel with and 8.00 feet South of said North line, to the West line of said Lot 1;

Thence North 02° 04' 47" West, 8.00 feet, on said West line of said Lot 1, to the POINT OF BEGINNING, said Tract containing 1,424 square feet or 0.0327 acres.

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

Two Tracts of land, hereinafter referred to as Tract 1 and Tract 2, for the purposes of temporary construction easements, being a part of Lot 1, LAWRENCE'S ADDITION NO. 2, a subdivision of land recorded on July 25, 2007 in Plat Book 200707 at Page 008837, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the East line of said Lot 1, having a bearing of South 02° 04' 47" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

TRACT 1:

COMMENCING at the Northeast corner of said Lot 1, LAWRENCE'S ADDITION NO. 2;

Thence South 02° 04' 47" East, 8.00 feet, on the East line of said Lot 1, to the POINT OF BEGINNING of said Tract 1 herein described;

Thence continuing South 02° 04' 47" East, 12.00 feet, on said East line;

Thence South 88° 22' 54" West, 70.00 feet;

Thence North 02° 04' 47" West, 12.00 feet;

Thence North 88° 22' 54" East, 70.00 feet, to the POINT OF BEGINNING, said Tract 1 containing 840 square feet or 0.0193 acres.

TRACT 2:

COMMENCING at the Northeast corner of said Lot 1, LAWRENCE'S ADDITION NO. 2;

Thence South 88°22' 54" West, 178.00 feet, on the North line of said Lot 1, to the Northwest corner of said Lot 1;

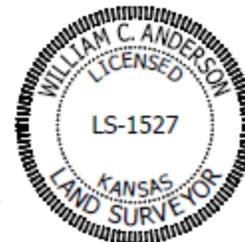
Thence South 02° 04' 47" East, 8.00 feet, to the POINT OF BEGINNING of said Tract 2 herein described;

Thence North 88° 22' 54" East, 15.02 feet, parallel with and 8.00 feet South of said North line;

Thence South 02° 04' 47" East, 12.00 feet;

Thence South 88° 22' 54" West, 15.02 feet, to a point on the West line of said Lot 1;

Thence North 02° 04' 47" West, 12.00 feet, on the West line of said Lot 1, to the POINT OF BEGINNING, said Tract 2 containing 180 square feet or 0.0041 acres.



Tract No. 40

Fee Simple Owner: Store Master Funding XVI LLC

Legal Description of the Real Property to be acquired for Road Right of Way:

A Tract of land for the purposes of a Right-of-Way, being a part of Lot 2, LAWRENCE'S ADDITION NO. 2, a subdivision of land recorded on July 25, 2007 in Plat Book 200707 at Page 8837, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the East line of said Lot 2, having a bearing of South 02° 04' 47" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of said Lot 2, LAWRENCE'S ADDITION NO. 2;

Thence South 02° 04' 47" East, 8.00 feet, on the East line of said Lot 2;

Thence South 88° 22' 54" West, 172.48 feet, parallel with and 8.00 feet South of the North line of said Lot 2, to the West line of said Lot 2;

Thence North 02° 08' 28" West, 8.00 feet, on said West line, to the Northwest corner of said Lot 2;

Thence North 88° 22' 54" East, 172.47 feet, on said North line, to the POINT OF BEGINNING, said Tract containing 1,380 square feet or 0.0317 acres.

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 2, LAWRENCE'S ADDITION NO. 2, a subdivision of land recorded on July 25, 2007 in Plat Book 200707 at Page 008837, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the East line of said Lot 2, having a bearing of South 02° 04' 47" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 2, LAWRENCE'S ADDITION NO. 2;

Thence South 02° 04' 47" East, 8.00 feet, on the East line of said Lot 2, to the POINT OF BEGINNING of the Tract herein described;

Thence continuing South 02° 04' 47" East, 12.00 feet, on said East line;

Thence South 88° 22' 54" West, 50.00 feet, parallel with and 20.00 feet South of the North line of said Lot 2;

Thence North 02° 04' 47" West, 12.00 feet;

Thence North 88° 22' 54" East, 50.00 feet, parallel with and 8.00 feet South of the North line of said Lot 2, to the POINT OF BEGINNING, said Tract containing 600 square feet or 0.0138 acres.

Tract No. 44

Fee Simple Owner: William D. Gay

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

A Tract of land for the purposes of a temporary construction easement, being a part of a Tract of land in the West Half of the Northeast Quarter, Section 25, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of Lot 3, BARBEN LANDING, having a bearing of South 02° 08' 28" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Lot 3;

Thence South 02° 08' 28" East, 5.00 feet, on said West line;

Thence South 88° 22' 54" West, 54.90 feet, parallel with and 5.00 feet South of the North property line as established on October 19, 1987 in Book 2685 at Page 299;

Thence South 02° 08' 28" East, 18.00 feet;

Thence South 88° 22' 42" West, 50.10 feet, to a point on the West property line of said Tract;

Thence North 02° 08' 28" West, 23.00 feet, on said West property line to the Northwest corner of said Tract;

Thence North 88° 22' 54" East, 105.00 feet, to the POINT OF BEGINNING, said Tract containing 1,424 square feet or 0.0327 acres.

Tract No. 45

Fee Simple Owner: William D. Gay

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

A Tract of land for the purposes of a temporary construction easement, being a part of a Tract of land in the Northeast Quarter of Section 25, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the North line of a Tract of land established by Warranty Deed on November 08, 2000 in Book 6758 at Page 511, having a bearing of North 88° 22' 54" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Tract established at said Book and Page;

Thence North 88° 22' 54" East, 128.50 feet, on the North line of said Tract, to the Northeast corner of said Tract;

Thence South 02° 08' 28" East, 5.00 feet, on the East line of said Tract;

Thence South 88° 22' 54" West, 6.60 feet, parallel with and 5.00 feet South of said North line;

Thence South 02° 08' 28" East, 5.00 feet, parallel with and 6.60 feet West of said East line;

Thence South 88° 22' 54" West, 40.00 feet, parallel with and 10.00 feet South of said North line;

Thence North 02° 08' 28" West, 5.00 feet, parallel with and 46.60 feet West of said East line;

Thence South 88° 22' 54" West, 81.90 feet, parallel with and 5.00 feet South of said North line, to a point on the West line of said Tract;

Thence North 02° 08' 28" West, 5.00 feet, on said West line, to the POINT OF BEGINNING, said Tract containing 842 square feet or 0.0193 acres.

Tract No. 46

Fee Simple Owner: William D. Gay

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

A Tract of land for the purposes of a temporary construction easement, being a part of a Tract of land in the Northwest Quarter of Section 25, Township 14 South, Range 22 East, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the North line of a Tract of land established by Warranty Deed on October 19, 1987 in Book 2685 at Page 299, having a bearing of North 88° 22' 42" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of said Tract established at said Book and Page;

Thence South 02° 08' 28" East, 5.00 feet, on the East line of said Tract

Thence South 88° 22' 42" West, 55.00 feet, parallel with and 5.00 feet South of said North line;

Thence South 02° 08' 28" East, 18.00 feet;

Thence South 88° 22' 42" West, 45.00 feet, parallel with and 23.00 feet South of said North line, to a point on the West line of said Tract;

Thence North 02° 08' 28" West, 23.00 feet, on said West line, to the Northwest corner of said Tract;

Thence North 88° 22' 54" East, 100.00 feet, on said North line, to the POINT OF BEGINNING, said Tract containing 1,310 square feet or 0.0301 acres.

Tract No. 48

Fee Simple Owner: EMI Investments

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 10, BIGELOW'S ADDITION TO GARDNER, a subdivision of land recorded in 1881 in Book 1 at Page 41, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the North line of said Lot 10, having a bearing of South 88° 22' 42" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Northeast corner of said Lot 10, BIGELOW'S ADDITION TO GARDNER;

Thence South 88° 22' 42" West, 12.00 feet, on the North Line of said Lot 10, to the POINT OF BEGINNING of the Tract of land herein described;

Thence South 01° 59' 13" East, 17.00 feet, on the East line of the property as established in Book 200907 at Page 009901;

Thence South 88° 22' 42" West, 100.00 feet, parallel with and 17.00 feet South of the North line of said Lot 10, to a point on the West line at said Book and Page;

Thence North 01° 59' 13" West, 17.00 feet, to a point on said North line;

Thence North 88° 22' 42" East, 100.00 feet, on said North line, to the POINT OF BEGINNING, said Tract containing 1,700 square feet or 0.0390 acres.

Tract No. 49

Fee Simple Owner: Gary M. Richardson

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

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 10, BIGELOW'S ADDITION TO GARDNER, a subdivision of land recorded in 1881 in Book 1 at Page 41, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the South line of said Lot 10, having a bearing of North 88° 22' 42" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

COMMENCING at the Southwest corner of said Lot 10, BIGELOW'S ADDITION TO GARDNER;

Thence North 88° 22' 42" East, 86.00 feet, on the South Line of said Lot 10;

Thence North 01° 59' 13" West, 122.00 feet, on the East line of the property as established in Book 6797 at Page 30, to the POINT OF BEGINNING of the Tract of land herein described;

Thence South 88° 22' 42" West, 70.55 feet, parallel with and 5.00 feet South of the North line of said Lot 10;

Thence North 44° 02' 52" East, 7.16 feet to the North line of Lot 10;

Thence North 88° 22' 42" East, 65.40 feet, on said North line, to a point on said East line of said Book and Page;

Thence South 01° 59' 13" East, 5.00 feet, on said North line, to the POINT OF BEGINNING, said Tract containing 340 square feet or 0.0078 acres.

Tract No. 52

Fee Simple Owner: R&M Building Enterprises, LLC

Legal Description of the Real Property to be acquired for Temporary Construction Easement (Lot 1):

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 1, BIGELOW'S ADDITION TO GARDNER, a subdivision of land recorded in 1881 in Book 1 at Page 41, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the East line of said Lot 1, having a bearing of South 01° 59' 13" East as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northeast corner of said Lot 1, BIGELOW'S ADDITION TO GARDNER;

Thence South 01° 59' 13" East, 10.00 feet, on the East Line of said Lot 1;

Thence South 88° 22' 42" West, 73.90 feet, parallel with and 10.00 feet South of the North line of said Lot 1;

Thence North 01° 59' 13" West, 10.00 feet, to a point on said North line;

Thence North 88° 22' 42" East, 73.90 feet, on said North line, to the POINT OF BEGINNING, said Tract containing 739 square feet or 0.0170 acres.

Legal Description of the Real Property to be acquired for Temporary Construction Easement (Lot 2):

A Tract of land for the purposes of a temporary construction easement, being a part of Lot 2, BIGELOW'S ADDITION TO GARDNER, a subdivision of land recorded in 1881 in Book 1 at Page 41, in the City of Gardner, Johnson County, Kansas, said Tract being more particularly described by William C. Anderson, PLS 1527, with BHC RHODES, CLS 175, by metes and bounds as follows:

(The bearings in this description are based on the West line of said Lot 2, having a bearing of North 01° 59' 13" West as determined by Global Positioning System observations and referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Northwest corner of said Lot 2, BIGELOW'S ADDITION TO GARDNER;

Thence North 88° 22' 42" East, 66.00 feet, on the North Line of said Lot 2;

Thence South 01° 59' 13" East, 10.00 feet, on the East property line as established in Book 5798, Page 599;

Thence South 88° 22' 42" West, 66.00 feet, parallel with and 10.00 feet South of said North line;

Thence North 01° 59' 13" West, 10.00 feet, to the POINT OF BEGINNING, said Tract containing 660 square feet or 0.0152 acres.