

(Published in *The Butler County Times-Gazette* on March 5, 2022  
and at <https://www.andoverks.com>)

## **RESOLUTION NO. 22-04**

### **A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY OF ANDOVER, KANSAS, PURSUANT TO K.S.A. 26-201.**

WHEREAS, pursuant to K.S.A. 26-201, the Governing Body of the City of Andover, Kansas (the "City") desires to declare the necessity to appropriate private property for the use of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

1. The City and the Kansas Department of Transportation have approved a program for the construction and improvements of 159th Street From US-54/400 to Central (Project 8-N-0692-01).

2. To accomplish the anticipated highway and drainage improvements, it will be necessary to acquire easements in certain real property as follows:

#### **PERMANENT RIGHT-OF-WAY EASEMENT:**

PID NO.: 008-304-19-0-20-03-009.00-0

OWNER: David & Janice Cox Trust

A TRACT OF LAND SITUATED IN A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-SEVEN SOUTH (T27S), RANGE THREE EAST (R3E) OF THE SIXTH PRINCIPAL MERIDIAN (6th P.M.), BUTLER COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING (P.O.C.) at the Northwest corner of the Northwest Quarter of said Section 19; THENCE S 00°44'14" E along the West line of said Northwest Quarter a distance of 2310.00 feet to the Northwest corner of parent tract as described in Book 1209, Page 90; THENCE N 89°26'45" E along the North line of said parent tract a distance of 25.00 feet to the POINT OF BEGINNING (P.O.B.), said point being on the existing East ROW line of Road Book "C", Page 109; THENCE continuing N 89°26'45" E along said North line a distance of 25.00 feet; THENCE S 00°44'14" E parallel with and 50.00' from West line of said Northwest Quarter a distance of 330.00 feet to the South line of said parent tract; THENCE S 89°26'45" W along the South line of said parent tract a distance of 25.00 feet to said East ROW line of Road Book "C", Page 109; THENCE N 00°44'14" W along

said East ROW line a distance of 330.00 feet to the POINT OF BEGINNING (P.O.B.).

Said Tract contains an area of 8250 square feet (0.19 acres) more or less.

Basis of Bearings: The West line of NW/4 of Section 19 being measured as S 00°44'14" E.

**TEMPORARY CONSTRUCTION EASEMENT:**

PID No. 008-304-19-0-20-03-009.00-0

Owner: David & Janice Cox Trust

TWO TRACTS OF LAND SITUATED IN A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTYSEVEN SOUTH (T27S), RANGE THREE EAST (R3E) OF THE SIXTH PRINCIPAL MERIDIAN (6th P.M.), BUTLER COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**TRACT 1**

COMMENCING (P.O.C.) at the Northwest corner of the Northwest Quarter of said Section 19; THENCE S 00°44'14" E along the West line of said Northwest Quarter a distance of 2310.00 feet to the Northwest corner of parent tract as described in Book 1209, Page 90; THENCE N 89°26'45" E along the North line of said parent tract a distance of 50.00 feet; THENCE S 00°44'14" E parallel with the West line of said Northwest Quarter a distance of 58.85 feet to the POINT OF BEGINNING (P.O.B. Tract 1); THENCE N 89°15'46" E perpendicular to said West line a distance of 20.00 feet; THENCE S 00°44'14" E parallel with said West line a distance of 34.00 feet; THENCE S 89°15'46" W perpendicular to said West line a distance of 20.00 feet to a point hereinafter referred to as Point "A"; THENCE N 00°44'14" W parallel with said West line a distance of 34.00 feet to the POINT OF BEGINNING (P.O.B. Tract 1). Said Tract 1 contains an area of 680 square feet (0.02 acres) more or less.

TOGETHER WITH

**TRACT 2**

COMMENCING (P.O.C.) at the aforementioned Point "A"; THENCE S 00°44'14" E parallel with the West line of said Northwest Quarter a distance of 98.22 feet to the POINT OF BEGINNING (P.O.B. Tract 2); THENCE N 89°15'46" E perpendicular to said West line a distance of 10.00 feet; THENCE S 00°44'14" E parallel with said West line a distance of 32.00 feet; THENCE S 89°15'46" W perpendicular to said West line a distance of 10.00 feet; THENCE N 00°44'14" W

parallel with said West line a distance of 32.00 feet to the POINT OF BEGINNING (P.O.B. Tract 2). Said Tract 2 contains an area of 320 square feet (0.01 acres) more or less.

Bearings: The West line of NW/4 of Section 19 being measured as S 00°44'14" E.

**PERMANENT DRAINAGE RIGHT-OF-WAY EASEMENT:**

PID No.: 008-304-19-0-20-03-009.00-0

Owner: David & Janice Cox Trust

A TRACT OF LAND SITUATED IN A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-SEVEN SOUTH (T27S), RANGE THREE EAST (R3E) OF THE SIXTH PRINCIPAL MERIDIAN (6th P.M.), BUTLER COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING (P.O.C.) at the Northwest corner of the Northwest Quarter of said Section 19; THENCE S 00°44'14" E along the West line of said Northwest Quarter a distance of 2640.00 feet to the Southwest corner of parent tract as described in Book 1209, Page 90; THENCE N 89°26'45" E along the South line of said parent tract a distance of 50.00 feet to the POINT OF BEGINNING (P.O.B.); THENCE N 00°44'14" W parallel with the West line of said Northwest Quarter a distance of 35.04 feet; THENCE N 89°26'54" E a distance of 342.73 feet; THENCE N 00°33'06" W a distance of 40.17 feet; THENCE N 14°16'36" E a distance of 60.22 feet; THENCE N 47°36'38" E a distance of 152.15 feet; THENCE N 89°26'56" E a distance of 157.64 feet; THENCE S 48°42'46" E a distance of 152.15 feet; THENCE S 15°22'44" E a distance of 96.39 feet; THENCE S 00°33'06" E a distance of 40.21 feet to the South line of said Parent Tract; THENCE S 89°26'45" W along said South line a distance of 767.05 feet to the POINT OF BEGINNING (P.O.B.).

Said Tract contains an area of 94,528 square feet (2.17 acres) more or less.

Basis of Bearings: The West line of NW/4 of Section 19 being measured as S 00°44'14" E.

**TEMPORARY CONSTRUCTION EASEMENT:**

PID No.: 008-304-19-0-20-03-009.00-0

Owner: David & Janice Cox Trust

A TRACT OF LAND SITUATED IN A PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY-SEVEN SOUTH (T27S), RANGE THREE EAST (R3E) OF THE SIXTH

PRINCIPAL MERIDIAN (6th P.M.), BUTLER COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING (P.O.C.) at the Northwest corner of the Northwest Quarter of said Section 19; THENCE S 00°44'14" E along the West line of said Northwest Quarter a distance of 2605.12 feet; THENCE N 89°15'46" E a distance of 50.00 feet to the POINT OF BEGINNING (P.O.B.); THENCE N 00°44'14" W a distance of 10.00 feet; THENCE N 89°26'54" E a distance of 323.26 feet; THENCE N 00°33'06" W a distance of 97.39 feet; THENCE N 47°36'38" E a distance of 236.43 feet; THENCE N 89°26'54" E a distance of 101.89 feet; THENCE S 48°42'46" E a distance of 219.92 feet; THENCE S 15°22'44" E a distance of 108.95 feet; THENCE S 00°33'06" E a distance of 48.09 feet to the South line of parent tract as described in Book 1209, Page 90; THENCE S 89°26'45" W along said South line a distance of 25.82 feet; THENCE N 00°33'06" W a distance of 40.21 feet; THENCE N 15°22'44" W a distance of 96.39 feet; THENCE N 48°42'46" W a distance of 152.15 feet; THENCE S 89°26'56" W a distance of 157.64 feet; THENCE S 47°36'38" W a distance of 152.15 feet; THENCE S 14°16'36" W a distance of 60.22 feet; THENCE S 00°33'06" E a distance of 40.17 feet; THENCE S 89°26'54" W a distance of 342.73 feet to the POINT OF BEGINNING (P.O.B.).

Said Tract contains an area of 29,541 square feet (0.68 acres) more or less.

Basis of Bearings: The West line of NW/4 of Section 19 being measured as S 00°44'14" E.

3. A survey and description of the land or interest to be condemned is to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk.

4. This Resolution shall be published once in the Butler County Times-Gazette and at <https://www.andoverks.com>.

*[Remainder of Page Intentionally Left Blank]*

PASSED, ADOPTED and APPROVED by the governing body of the City of Andover,  
Kansas this 22<sup>nd</sup> day of February, 2022.



CITY OF ANDOVER, KANSAS

  
Ronnie Price, Mayor

ATTEST:

  
Lance Onstott, Deputy City Clerk