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ORDINANCE NO. 1865

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CONDEMNATION AND ACQUISITION OF PRIVATE PROPERTY BY EMINENT DOMAIN FOR THE USE OF THE CITY OF ANDOVER, KANSAS, PURSUANT TO K.S.A. 26-201.

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

SECTION 1. The City of Andover, Kansas, pursuant to K.S.A. 26-201, hereby authorizes and provides for the condemnation and acquisition of the private property described below by eminent domain for use by the City in the Yorktown Parkway Improvements:

PERMANENT STREET RIGHT-OF-WAY EASEMENT:

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 03 EAST OF THE SIXTH PRINCIPAL MERIDIAN, BUTLER COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS: COMMENCING #1 AT THE NORTHEAST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S89°21'37"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 946.33 FEET TO THE POINT OF BEGINNING # 1; THENCE CONTINUING S89°21'137"W ALONG SAID NORTH LINE A DISTANCE OF 113.17 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 317.00 FEET AND A CHORD THAT BEARS S66°44'17"W A DISTANCE OF 244.74 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 251.26 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S00°58'108"E ALONG SAID WEST LINE A DISTANCE OF 66.00 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 383.00 FEET AND A CHORD THAT BEARS N66°42'109"E A DISTANCE OF 295.25 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 303.10 FEET; THENCE S45°58'08"E A DISTANCE OF 88.08 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S23°28'08"E A DISTANCE OF 413.30 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE S00°58'08"E A DISTANCE OF 560.26 FEET; THENCE S89°01'45"W A DISTANCE OF 542.00 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S00°58'08"E ALONG SAID WEST LINE

A DISTANCE OF 64.00 FEET; THENCE N89°01'45"E A DISTANCE OF 542.00 FEET; THENCE S00°58'08"E A DISTANCE OF 98.85 FEET TO A CURVE TO THE RIGHT HA YING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 413.30 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE S44°01'52"W A DISTANCE OF 219.44 FEET TO A CURVE TO THE LEFT HA YING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 466.87 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 479.09 FEET; THENCE S00°58'08"E A DISTANCE OF 423.99 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVENUE; THENCE N89°19'24"E ALONG SAID NORTH LINE A DISTANCE OF 70.00 FEET; THENCE N00°58'08"W A DISTANCE OF 424.35 FEET TO A CURVE TO THE RIGHT HA YING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 413.30 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE N44°01'52"E A DISTANCE OF 219.45 FEET TO A CURVE TO THE LEFT HA YING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 466.87 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 479.09 FEET; THENCE N00°58'08"W A DISTANCE OF 723.10 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS N23°28'08"W A DISTANCE OF 466.87 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 479.09 FEET; THENCE N45°58'08"W A DISTANCE OF 73.59 FEET TO THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING #1.

TOTAL AREA ENCOMPASSING 5.87 ACRES MORE OR LESS.

PERMANENT SIDEWALK RIGHT-OF-WAY EASEMENT:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE N00°58'08"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVE; THENCE N89°19'24"E ALONG SAID NORTH LINE A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING #2; THENCE CONTINUING N89°19'24"E ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET; THENCE N00°58'08"E A DISTANCE OF 423.99 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS N21°03'52"E A DISTANCE OF 466.87 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 479.09 FEET; THENCE N45°58'08"W A DISTANCE OF 10.00 FEET TO A CURVE TO THE LEFT HA YING A RADIUS OF 620.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 474.53 FEET; THENCE

SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 486.95 FEET; THENCE S00°58'08"E A DISTANCE OF 423.94 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVE AND THE POINT OF BEGINNING #2.

TOTAL AREA ENCOMPASSING 0.21 ACRES MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT – EXPIRING DECEMBER 31, 2025:

TEMPORARY EASEMENT AREA # 1:

COMMENCING AT THE NORTHEAST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S89°21'37"W (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 932.11 FEET TO THE POINT OF BEGINNING # 1; THENCE CONTINUING S89°21'37"W ALONG SAID NORTH LINE A DISTANCE OF 14.22 FEET; THENCE S45°58'08"E A DISTANCE OF 73.59 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS S23°28'08"E A DISTANCE OF 466.87 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 479.09 FEET; THENCE S00°58'08"E A DISTANCE OF 723.10 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 610.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 466.87 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 479.99 FEET; THENCE S44°01'52"W A DISTANCE OF 219.45 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 413.30 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE S00°58'08"E A DISTANCE OF 424.35 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVE; THENCE N89°10'24"E ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET; THENCE N00°58'08"W A DISTANCE OF 324.40 FEET; THENCE N89°01'52"E A DISTANCE OF 20.00 FEET; THENCE N00°58'08"W A DISTANCE OF 100.00 FEET; THENCE S89°01'52"W A DISTANCE OF 20.00 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 405.64 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 416.26 FEET; THENCE N44°01'52"E A DISTANCE OF 219.45 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 620.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 474.53 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 486.95 FEET; THENCE N00°58'08"W A DISTANCE OF 723.10 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 620.00 FEET AND A CHORD THAT BEARS N23°28'08"W A DISTANCE OF 474.53 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 486.95 FEET; THENCE

N45°58'08"W A DISTANCE OF 63.48 FEET TO THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING #1, ENCOMPASSING 0.69 ACRES MORE OR LESS.

TEMPORARY EASEMENT AREA #2:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE N89°21'37"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 254.07 FEET TO THE POINT OF BEGINNING #2; THENCE CONTINUING N89°21'37"E ALONG SAID NORTH LINE A DISTANCE OF 14.06 FEET; THENCE S44°01'52"W A DISTANCE OF 58.94 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 317.00 FEET AND A CHORD THAT BEARS S66°44'17"W A DISTANCE OF 244.74 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 251.26 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE N00°58'08"W ALONG SAID WEST LINE A DISTANCE OF 10.00 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 307.00 FEET AND A CHORD THAT BEARS N66°44'42"E A DISTANCE OF 237.08 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 243.41 FEET; THENCE N44°01'52"E A DISTANCE OF 49.06 FEET TO THE NORTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING #2, ENCOMPASSING 0.07 ACRES MORE OR LESS.

TEMPORARY EASEMENT AREA #3:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S00°58'08"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 202.06 FEET TO THE POINT OF BEGINNING #3; THENCE CONTINUING S00°58'08"E ALONG SAID WEST LINE A DISTANCE OF 10.00 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 393.00 FEET AND A CHORD THAT BEARS N66°41'53"E A DISTANCE OF 302.90 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 310.95 FEET; THENCE N44°02'00"E A DISTANCE OF 58.51 FEET; THENCE S45°58'08"E A DISTANCE OF 78.07 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CHORD THAT BEARS S23°28'08"E A DISTANCE OF 405.64 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 416.26 FEET; THENCE S00°58'08"E A DISTANCE OF 550.26 FEET; THENCE S89°01'45"W A DISTANCE OF 532.00 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE S00°58'08"E ALONG SAID WEST LINE A DISTANCE OF 10.00 FEET; THENCE N89°01'45"E A DISTANCE OF 542.00

FEET; THENCE N00°58'10.8"W A DISTANCE OF 560.26 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS N23°28'08"W A DISTANCE OF 413.30; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE N45°58'08"W A DISTANCE OF 88.08 FEET; THENCE S44°01'52"W A DISTANCE OF 68.51 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 383.00 FEET AND A CHORD THAT BEARS S66°42'09"W A DISTANCE OF 295.25 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 303.10 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING #3, ENCOMPASSING 0.45 ACRES MORE OR LESS.

TEMPORARY EASEMENT AREA #4:

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE N89° 19'24"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE SOUTH LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER A DISTANCE OF 30.00 FEET; THENCE N00°58'08"W A DISTANCE OF 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVE AND THE POINT OF BEGINNING #4; THENCE CONTINUING N00°58'08"W A DISTANCE OF 323.89 FEET; THENCE S89°01'52"W A DISTANCE OF 20.00 FEET; THENCE N00°58'08"W A DISTANCE OF 100.00 FEET; THENCE N89°01'52"E A DISTANCE OF 20.00 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 630.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 482.18 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 494.80 FEET; THENCE S45°58'08"E A DISTANCE OF 10.00 FEET; THENCE N44°01'52"E A DISTANCE OF 219.44 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 530.00 FEET AND A CHORD THAT BEARS N21°31'52"E A DISTANCE OF 405.64 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 416.26 FEET; THENCE N00°58'08"W A DISTANCE OF 88.85 FEET; THENCE S89°01'45"W A DISTANCE OF 532.00 FEET TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE N00°58'08"W ALONG SAID WEST LINE A DISTANCE OF 10.00 FEET; THENCE N89°01'45"E A DISTANCE OF 542.00 FEET; THENCE S00°58'08"E A DISTANCE OF 98.85 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 413.30 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 424.12 FEET; THENCE S44°01'52"W A DISTANCE OF 219.44 FEET; THENCE N45°58'08"W A DISTANCE OF 10.00 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 620.00 FEET AND A CHORD THAT BEARS S21°31'52"W A DISTANCE OF 474.53 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE A DISTANCE OF 486.95 FEET; THENCE S00°58'08"E A DISTANCE OF 423.94 FEET TO THE NORTH RIGHT OF WAY LINE OF EAST CENTRAL AVE; THENCE S89°19'24"W ALONG SAID NORTH LINE

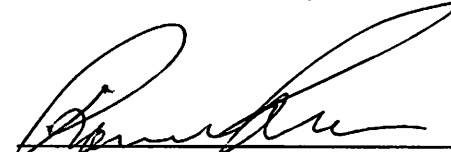
A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING #4,
ENCOMPASSING 0.55 ACRES MORE OR LESS.

SECTION 2. This Ordinance shall take effect and be in full force from and after (1) its adoption by the governing body of the City, (2) approval by the Mayor, and (3) publication once in the official newspaper of the City.

PASSED, ADOPTED and APPROVED by the governing body of the City of Andover, Kansas this 25th day of April 2023.

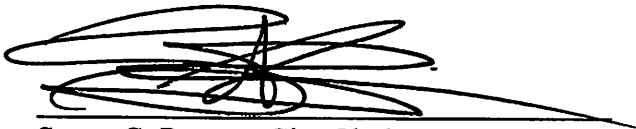


CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor

ATTEST:



Susan C. Renner, City Clerk

(Suzanna E. Pratt)