

(Published in *The Butler County Times-Gazette*
and at www.andoverks.com on May 6, 2023)

ORDINANCE NO. 1864

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 EASEMENT - STREET RIGHT-OF-WAY:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, BUTLER COUNTY, KANSAS, BEING DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE S00°57'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 146.85 FEET TO THE POINT OF BEGINNING AND TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S04°12'37"E A DISTANCE OF 41.66 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 41.67 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 528.21 FEET AND A CHORD THAT BEARS S 18°31 '55"E A DISTANCE OF 226.59 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 228.37 FEET; THENCE S30°38'35"E A DISTANCE OF 263.09 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S60°38'35"E A DISTANCE OF 540.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 565.49 FEET; THENCE N89°21 '25"E A DISTANCE OF 364.41 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 610.10 FEET AND A CHORD THAT BEARS S76°04'47"E A DISTANCE OF 306.77 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 310.10 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE S01°01'28"E ALONG SAID EAST LINE A DISTANCE OF 82.18 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 539.95

FEET AND A CHORD THAT BEARS N73°55'49"W A DISTANCE OF 310.58 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 315.03 FEET; THENCE S89°30'11"W A DISTANCE OF 363.67 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 606.59 FEET AND A CHORD THAT BEARS N60°45'10"W A DISTANCE OF 610.18 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 639.37 FEET; THENCE N30°38'35"W A DISTANCE OF 263.09 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 622.97 FEET AND A CHORD THAT BEARS N29°40'57"W A DISTANCE OF 20.67 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 20.67 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE N00°57'54"W ALONG SAID WEST LINE A DISTANCE OF 274.15 FEET TO THE POINT OF BEGINNING.

TOTAL AREA ENCOMPASSING 2.64 ACRES MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT - EXPIRING DECEMBER 31, 2025:

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 02 EAST OF THE SIXTH PRINCIPAL MERIDIAN, BUTLER COUNTY, KANSAS, BEING DESCRIBED AS FOLLOWS:

TEMPORARY EASEMENT AREA #1:

BEGINNING #1 AT THE NORTHWEST CORNER OF THE SOUTHWESTQUARTER OF SAID NORTHEAST QUARTER; THENCE S00°57'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 146.85 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S04°12'37"E A DISTANCE OF 41.66 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 41.67 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 528.21 FEET AND A CHORD THAT BEARS S18°31'55"E A DISTANCE OF 226.59 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 228.37 FEET; THENCE S30°38'35"E A DISTANCE OF 263.09 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 540.00 FEET AND A CHORD THAT BEARS S60°38'35"E A DISTANCE OF 540.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 565.49 FEET; THENCE N89°21'25"E A DISTANCE OF 364.41 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 610.10 FEET AND A CHORD THAT BEARS S76°04'47"E A DISTANCE OF 306.77 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 310.10 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER;

THENCE N01°01'28"W ALONG SAID EAST LINE A DISTANCE OF 11.46 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 620.10 FEET AND A CHORD THAT BEARS N76°20'26"W A DISTANCE OF 306.33 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 309.53 FEET; THENCE N89°21'25"E A DISTANCE OF 364.41 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CHORD THAT BEARS N60°38'35"W A DISTANCE OF 530.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 555.01 FEET; THENCE N30°38'35"W A DISTANCE OF 263.11 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 518.21 FEET AND A CHORD THAT BEARS N18°31'55"W A DISTANCE OF 222.35 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 224.09 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET AND A CHORD THAT BEARS N04°12'59"W A DISTANCE OF 40.82 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 40.83 FEET; THENCE N00°57'54"W A DISTANCE OF 146.69 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE S89°24'01 "W ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING #1, ENCOMPASSING 0.44 ACRES MORE OR LESS.

TEMPORARY EASEMENT AREA #2:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE S00°57'54"E (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 SOUTH ZONE) ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 146.85; THENCE CONTINUING S00°57'54"E ALONG SAID WEST LINE A DISTANCE OF 274.15 FEET TO THE POINT OF BEGINNING #2 AND A CURVE TO THE LEFT HAVING A RADIUS OF 622.97 FEET AND A CHORD THAT BEARS S29°40'57"E A DISTANCE OF 20.67 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 20.67 FEET; THENCE S30°38'35"E A DISTANCE OF 263.09 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 606.59 FEET AND A CHORD THAT BEARS S60°45'10"E A DISTANCE OF 610.18 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 639.37 FEET; THENCE N89°30'10"E A DISTANCE OF 363.67 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 539.95 FEET AND A CHORD THAT BEARS S73°55'49"E A DISTANCE OF 310.58 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 315.03 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE S01°01'27"E ALONG SAID EAST LINE A DISTANCE OF 12.09 FEET TO A CURVE TO THE LEFT HAVING A RADIUS OF 529.95 FEET AND A CHORD THAT BEARS N73°34'03"W A DISTANCE OF 311.27 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF

315.93 FEET; THENCE S89°30'10"W A DISTANCE OF 363.64 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 616.59 FEET AND A CHORD THAT BEARS N60°45'05"W A DISTANCE OF 620.20 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 649.86 FEET; THENCE N30°38'35"W A DISTANCE OF 263.08 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 633.02 FEET AND A CHORD THAT BEARS N30°31'08"W A DISTANCE OF 2.52 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE A DISTANCE OF 2.52 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE N00°57'54"W ALONG SAID WEST LINE A DISTANCE OF 20.89 FEET TO THE POINT OF BEGINNING #2, ENCOMPASSING 0.37 ACRES MORE OR LESS.

PERMANENT DRAINAGE EASEMENT:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS; BEARING N00°49' 33"W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 461.30 FEET TO THE POINT OF BEGINNING; THENCE BEARING N55°29' 1 0"E, A DISTANCE OF 158.17 FEET; THENCE BEARING N00°49' 33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 24.04 FEET; THENCE BEARING S55°29' 1 0"W, A DISTANCE OF 158.17 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE BEARING S00°49' 33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 24.04 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A TRACT OF LAND COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS; BEARING N00°49' 33"W, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 903.26 FEET TO THE POINT OF BEGINNING; THENCE BEARING S76°02 '51" E, A DISTANCE OF 74.30 FEET; THENCE BEARING N00°49'33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 20.68 FEET; THENCE BEARING N76°02' 51 "W, A DISTANCE OF 74.30 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE BEARING S00°49' 33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 20.68 FEET TO THE POINT OF BEGINNING; CONTAINING 1.1 ACRES, MORE OR LESS.

TEMPORARY CONSTRUCTION EASEMENT – EXPIRING DECEMBER 31, 2025:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS;

BEARING N89°26'46"E, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 45.00 FEET; THENCE BEARING N00°49'33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 491.51 FEET; THENCE BEARING S55°29' 1 0"W, A DISTANCE OF 54.08 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE BEARING S00°49'33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 461.30 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A TRACT OF LAND COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS; BEARING N00°49'33"W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 485.34 FEET TO THE POINT OF BEGINNING; THENCE BEARING N55°29' 1 0"E, A DISTANCE OF 45.67 FEET; THENCE BEARING N00°49'33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 382.57 FEET; THENCE BEARING N76°02'51 "W, A DISTANCE OF 39.30 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE BEARING S00°49'33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 41 7. 92 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A TRACT OF LAND COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWESTQUARTER OF THE NORTHEAST QUARTER OF SECTION 17. TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS; BEARING N00°49'33"W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 923.95 FEET TO THE POINT OF BEGINNING; THENCE BEARING S76°02'51 "E, A DISTANCE OF 54.81 FEET; THENCE BEARING N00°49'33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 8.96 FEET; THENCE BEARING S89°10'27"W, PERPENDICULAR TO THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 15.00 FEET; THENCE BEARING N00°49'33"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 277.55 FEET; THENCE BEARING S89°10'27"W, PERPENDICULAR TO THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 38.00 FEET TO SAID WEST LINE; THENCE BEARING S00°49'33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 272.52 FEET TO THE POINT OF BEGINNING; TOGETHER WITH A TRACT OF LAND COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 27 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS; BEARING N00°49' 33"W, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1281.07 FEET TO THE POINT OF BEGINNING; THENCE BEARING N89°30'07"E, A DISTANCE OF 40.00 FEET; THENCE BEARING N00°49'33 "W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 5.00 FEET; THENCE BEARING S89°30'07"W, A DISTANCE OF 40.00 FEET TO THE WEST LINE OF SAID NORTHEAST

QUARTER; THENCE BEARING S00°49'33"E, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

TOTAL AREA ENCOMPASSING 1.09 ACRES MORE OR LESS.

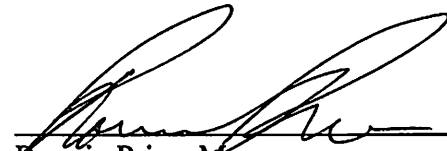
SECTION 2. This Ordinance shall take effect and be in full force from and after (1) its adoption by the governing body of the City, (2) approval by the Mayor, and (3) publication once in the official newspaper of the City.

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

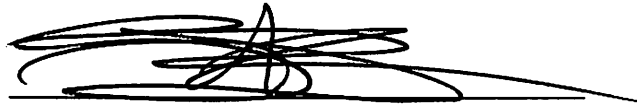


ATTEST:

CITY OF ANDOVER, KANSAS



Ronnie Price, Mayor



Susan C. Renner, City Clerk

(Northern Equity, Inc.)