

ORDINANCE NO. A-3328

AN ORDINANCE INCORPORATING AND ANNEXING INTO THE LIMITS AND BOUNDARIES OF THE CITY OF OVERLAND PARK CERTAIN LAND IN SECTION 34, TOWNSHIP 14, RANGE 25, JOHNSON COUNTY, KANSAS, SPECIFICALLY DESCRIBED HEREAFTER THAT IS NOT OWNED BY THE CITY, THAT IS NOT AT THIS TIME ADJOINING THE CITY WITHIN THE MEANING OF K.S.A. 12-520c.(b), AND THAT IS LOCATED IN TWO SEPARATE BUT ADJACENT TRACTS CONSISTING OF APPROXIMATELY 28.8 ACRES, THAT ARE GENERALLY SOUTH OF 183RD STREET, EAST OF ABERDEEN STREET AS EXTENDED, NORTH OF 185TH TERRACE AS EXTENDED, AND WEST OF THE KANSAS AND MISSOURI STATE LINE ROAD.

WHEREAS, on June 28, 2021, the owners of the land, specifically described below, filed with the City Clerk a written Consent to Annexation (dated June 22, 2021) of the land into the City of Overland Park, pursuant to K.S.A. 12-520c., as amended, and other relevant authority; and

WHEREAS, all of the owners of such land, as the term “owners” is defined at K.S.A. 12-519, have duly executed said written Consent to Annexation; and

WHEREAS, the City of Overland Park is not an “owner” of such land; and

WHEREAS, such land is located in two separate but adjacent tracts consisting of approximately 28.8 acres in Section 34, Township 14, Range 25, Johnson County, Kansas, which lie generally south of 183rd Street, east of Aberdeen Street as extended, north of 185th Terrace as extended, and west of the Kansas and Missouri State Line Road, in Aubry Township in Johnson County, Kansas; and

WHEREAS, such land does not “adjoin” the boundaries of the City of Overland Park within the meaning of K.S.A. 12-519(d) at this time, but the land is contiguous to the “island” of land that the City annexed in 2008 by Ordinance No. A-2764 (approved by the Board of County Commissioners of Johnson County in its Resolution No. 048-08), the land annexed in 2014 by Ordinance No. A-3042 (approved by the Board of County Commissioners of Johnson County in its Resolution No. 023-14), and the land annexed in 2016 by Ordinance No. A-3122 (approved by the Board of County Commissioners of Johnson County in its Resolution No. 009-16); and

WHEREAS, K.S.A. 12-520c.(c) requires that the Board of County Commissioners of Johnson County, Kansas (“BOCC”) find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Johnson County, Kansas, before the City of Overland Park may annex such land; and

WHEREAS, on July 7, 2021, the Community Development Committee of the City Council recommended adoption of, and on July 12, 2021, the Governing Body of the City did adopt City Resolution No. 4719, deeming it advisable that such land be annexed pursuant to K.S.A. 12-520c., and requesting that the BOCC, make the findings as required under K.S.A. 12-520c.(a)(3); and

WHEREAS, on or about July 21, 2021, the City Clerk of the City of Overland Park filed a certified copy of City Resolution No. 4719 with the BOCC; and

WHEREAS, on August 12, 2021, the BOCC, after holding a public hearing thereon, adopted its County Resolution No. 059-21 that found that annexation by the City of the land that is the subject of City Resolution No. 4719 will not hinder or prevent the proper growth and development of the area or that any other incorporated city located within Johnson County, Kansas.

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

SECTION 1. That the following legally described land is hereby included, incorporated, annexed and brought within the corporate limits of the City of Overland Park, pursuant to K.S.A. 12-520c., as amended, and other relevant authority:

Part of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian, in Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian, in Johnson County, Kansas; thence N 87°31'37" E, along the North line of said NE¼, a distance of 1,315.36 feet to the TRUE POINT OF BEGINNING; thence N 87°31'37" E, continuing along the North line of said NE¼, a distance of 1,092.87 feet to a point 232.45 feet West of the Northeast corner of said NE¼; thence S 01°42'14" E, parallel with the East line of the N½ of Fractional Section 35, T14S, R25E of the Sixth Principal Meridian, in Johnson County, Kansas, a distance of 1,225.22 feet to a point 100.01 feet North of the South line of the NE¼, of said NE¼; thence S 87°32'17" W, parallel with the South line of the NE¼ of said NE¼, a distance of 1,076.64 feet to a point on the East line of vacated Lot 13, HERITAGE TRAILS; thence N 02°27'46" W, along the East line of vacated Lot 13, HERITAGE TRAILS, a distance of 180.03 feet to the Northeast corner of vacated Lot 13, HERITAGE TRAILS, said point also being the Southeast corner of Lot 3, HERITAGE TRAILS II, a subdivision in Johnson County, Kansas; thence S 83°03'05" E a distance of 31.61 feet; thence N 09°00'44" E a distance of 4.49 feet to a point on the Southerly right-of-way line of vacated 185th Street; thence Easterly, along the Southerly right-of-way line of vacated 185th Street, on a curve to the right having an initial tangent bearing of S 89°43'09" E and a radius of 670 feet, for a distance of 215.73 feet to a point on the Easterly line of vacated HERITAGE TRAILS; thence N 18°43'46" E, along the Easterly line of said vacated HERITAGE TRAILS, a distance of 180.00 feet; thence N 03°27'37" W, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 178.51 feet; thence N 24°20'46" W, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 241.03 feet; thence N 36°01'04" W, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 387.76 feet to a point on the East line of Lot 1, HERITAGE TRAILS II; thence N 02°27'46" W, along the East line of said Lot 1, HERITAGE TRAILS II, and its extension thereof a distance of 197.06 feet to the TRUE POINT OF BEGINNING.

Together with,

Part of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian and part of vacated HERITAGE TRAILS, all in Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian, in Johnson County, Kansas; thence N 87°31'37" E, along the North line of said NE¼, a distance of 1,315.36 feet; thence S 02°27'46" E, along the East line of Lot 1, HERITAGE TRAILS II, a subdivision in Johnson County, Kansas, and its extension thereof, a distance of 197.06 feet to a point on the Easterly line of vacated Heritage Trails, said point also being the TRUE POINT OF BEGINNING; thence S 36°01'04" E, along the Easterly line of said vacated HERITAGE TRAILS, a distance of 387.76 feet; thence S 24°20'46" E, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 241.03 feet; thence S 03°27'37" E, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 178.51 feet; thence S 18°43'46" W, continuing along the Easterly line of said vacated HERITAGE TRAILS, a distance of 180.00 feet to a point on the Southerly right-of-way line of vacated 185th Street; thence Westerly, along the Southerly right-of-way line of vacated 185th Street, on a curve to

the left having an initial tangent bearing of N 71°16'16" W and a radius of 670 feet, for a distance of 215.73 feet; thence N 09°00'44" E a distance of 355.58 feet; thence S 87°32'14" W a distance of 102.82 feet to the Southeast corner of Lot 2, HERITAGE TRAILS II; thence N 02°27'46" W, along the East line of Lot 2 and Lot 1, HERITAGE TRAILS II, a distance of 500.10 feet to the TRUE POINT OF BEGINNING,

Including to the center-line of any and all adjacent right-of-way to the above parcels and tracts,

EXCEPT

Part of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian and part of vacated HERITAGE TRAILS, all in Johnson County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of the NE¼ of Section 34, T14S, R25E of the Sixth Principal Meridian, in Johnson County, Kansas; thence N 87°31'37" E, along the North line of said NE¼, a distance of 1,315.36 feet; thence S 02°27'46" E, along the East line of Lots 1 and 2, HERITAGE TRAILS II, a subdivision in Johnson County, Kansas, and its extension thereof, a distance of 351.93 feet to the TRUE POINT OF BEGINNING; thence Southeasterly, on a curve to the right having an initial tangent bearing of S 54°25'34" E and a radius of 375.00 feet, for a distance of 80.02 feet; thence S 42°12'00" E a distance of 200.00 feet; thence Southeasterly, on a curve to the right having a radius of 275.00 feet, for a distance of 150.59 feet; thence S 87°32'14" W a distance of 245.76 feet to the Southeast corner of said Lot 2, HERITAGE TRAILS II; thence N 02°27'46" W, along the East line of Lots 2 and 1, HERITAGE TRAILS II, a distance of 345.23 feet to the TRUE POINT OF BEGINNING.

The above legal description contains a combined 28.8 acres, more or less.

SECTION 2. That if any clause, paragraph, subsection, section or other part of this Ordinance shall be held invalid or unconstitutional by any court it shall be conclusively presumed that the Governing Body of the City would have enacted the remainder of this Ordinance without such invalid or unconstitutional clause, paragraph, subsection, section or other part.

SECTION 3. That this Ordinance shall take effect and be in force from November 3, 2021 and after its publication in the official City newspaper as required.

PASSED by the City Council this 13th day of September, 2021.

APPROVED by the Mayor this 13th day of September, 2021.

CITY OF OVERLAND PARK, KANSAS

(s) Carl Gerlach

Carl Gerlach, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley

(s) Stephen B. Horner

Elizabeth Kelley
City Clerk

Stephen B. Horner
Senior Assistant City Attorney