

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS
CIVIL COURT DEPARTMENT

CITY OF OVERLAND PARK, KANSAS,)	Case No. <u>21CV04101</u>
A Municipal Corporation,)	
)	Court No. <u>11</u>
Plaintiff/Condemnor,)	
)	
)	Action Involves Title to
)	Real Property
vs.)	
)	
BILLY R. WATERS;)	
)	
SHERRY L. WATERS;)	
)	
GEORGE KEVIN MASON;)	
)	
DENISE I. MASON;)	
)	
LESLIE SWEARENGIN;)	
)	
LINDA SWEARENGIN;)	
)	
EVERGY METRO, INC.;)	
)	
DEUTSCHE BANK NATIONAL TRUST)	
COMPANY;)	
)	
COMMERCIAL CAPTIAL COMPANY,)	
LLC;)	
)	
HAWTHORN BANK;)	
)	
ATMOS ENERGY CORPORATION;)	
)	
WATER DISTRICT NO. 1 OF JOHNSON)	
COUNTY, KANSAS;)	
)	
THE BOARD OF COUNTY COMMISSIONERS)	
OF JOHNSON COUNTY, KANSAS;)	
)	
CONSOLIDATED SEWER MAIN DISTRICT)	
OF JOHNSON COUNTY;)	
)	

THOMAS G. FRANZEN, JOHNSON COUNTY)
 TREASURER;)
)
 KANSAS DEPARTMENT OF REVENUE;)
)
 UNKNOWN TENANT(S) OF 10270 W. 167TH ST.,)
 OVERLAND PARK, KANSAS;)
)
 UNKNOWN TENANT(S) OF 16600 SWITZER)
 ROAD, OVERLAND PARK, KANSAS;)
)
 ANY UNKNOWN PERSONS CLAIMING)
 INTEREST BY WAY OF THE)
 RESTRICTIONS, DECLARATIONS,)
 BY-LAWS, COVENANTS, RESTRICTIONS,)
 SET FORTH HEREIN;)
)
 THE UNKNOWN TENANTS, HEIRS,)
 EXECUTORS, ADMINISTRATORS,)
 DEVISEES, TRUSTEES, CREDITORS,)
 SPOUSES, GUARDIANS, CONSERVATORS,)
 SUCCESSORS, AND ASSIGNS OF ALL)
 DEFENDANTS NAMED HEREIN AS)
 WERE OR NOW SERVING IN)
 ANY SIMILAR FIDUCIARY CAPACITY;)
 AND ANY UNKNOWN PERSONS CLAIMING)
 AN INTEREST IN THE REAL PROPERTY)
 DESCRIBED HEREIN AND ANY UNKNOWN)
 PERSONS IN POSSESSION OF THE REAL)
 PROPERTY DESCRIBED HEREIN,)
)
 Defendants.)

NOTICE OF EMINENT DOMAIN PROCEEDING

NOTICE is hereby given to the above named Defendants; and all other interested persons that the
 City of Overland Park, Kansas, has filed a verified Petition for Eminent Domain Proceeding,
 pursuant to K.S.A. 26-501, et seq., in the District Court of Johnson County, Kansas, styled *City of
 Overland Park, Kansas vs. APAC Kansas, Inc., et. al*, case No. 21CV04101, seeking the

condemnation of certain lands and real property interests in Johnson County Kansas, all as set forth in the Petition and amendments thereto for the improvement of:

The reconstruction of Switzer Road from south of 159th Street to 167th Street. The reconstruction will include turn lanes, shoulders, sidewalk, multi-use trail and a roundabout. The project also includes construction of storm sewers, restoration, landscaping and other appurtenances and items incidental to the street reconstruction, City Project No. TH-1836 (the "Improvements").

THEREFORE, on the **7th day of October, 2021, at 11:00am**, or as soon thereafter as possible, before the Honorable Paul C. Gurney in **Division No. 11** of the Johnson County Courthouse, located at 150 W. Santa Fe Street, Olathe, KS 66061, the Court has ordered it shall take up and consider the City's verified Petition, as provided in the Eminent Domain Procedure Act.

This hearing will be conducted virtually via the Zoom.

The hearing can be accessed at: <https://us02web.zoom.us/j/85673313584>

or;

Zoom can be accessed at <https://zoom.us>

-click: "JOIN A MEETING"

-the Meeting ID for this hearing is: 856 7331 3584

or;

to join via phone dial-in: 833-548-0276 US Toll-free

-Meeting ID: 856 7331 3584

At that time, the Court will examine the Petition and if the Court finds the Plaintiff has the power of eminent domain and that this taking is necessary to Plaintiff's lawful purposes, then appraisers will be appointed and a date set for filing of the appraiser's report.

CITY OF OVERLAND PARK, KANSAS

By: /s/ Trevor L. Stiles

Trevor L. Stiles #22999

Senior Assistant City Attorney

8500 Santa Fe Drive

Overland Park, KS 66212

Telephone: (913) 895-6084

Fax: (913) 895-5095

E-mail: trevor.stiles@opkansas.org

ATTORNEY FOR PLAINTIFF