

**ORDINANCE NO. CON-3337**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE REPLACEMENT OF STORMWATER INFRASTRUCTURE, 2021 MAJOR STORM SEWER REPAIR, IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS (PROJECT NO. MS-1654).**

**WHEREAS**, the Governing Body of the City of Overland Park, Kansas, did by Resolution No. 4723 (the “Resolution”), declare the necessity for the acquisition of certain interests in property, and did authorize and direct a survey and description of lands or interests therein to be condemned by the City for certain improvements (the “Survey”); and

**WHEREAS**, the Resolution was published one time in an official City newspaper on the 20th day of July, 2021; and

**WHEREAS**, the revised Survey was filed with the City Clerk of the City of Overland Park, Kansas, on the 2nd day of September, 2021.

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

**Section 1.** It is hereby authorized and provided that the lands or interests therein hereafter described be acquired for the purposes stated herein to construct certain public improvements, to wit:

The City’s 2021 Major Storm Sewer Repair, City Project number MS-1654, located at or near the following locations, within Overland Park, Kansas:

- 109<sup>th</sup> Street and King Street;
- 100<sup>th</sup> Terrace and Linden Street;
- 67<sup>th</sup> Street and Floyd Street;
- Roe Avenue and Granada Street,

with improvements consisting of replacement deteriorating stormwater infrastructure including the replacement of corrugated metal pipes, concrete pipes a ditch liner, associated storm sewer structures, curb and gutter, sidewalk, restoration and other items incidental to the construction and necessary appurtenances thereto (the “Improvements”).

**TRACT NO. 402**

OWNER(S): Yichen Yang

**PERMANENT DRAINAGE EASEMENT**

All of the South 10.00 feet of the East 105.00 feet of Lot 10, Block 2, MILBURN PLACE, a subdivision of record in the City of Overland Park, Johnson County, Kansas

Containing 1,050 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT

All of the West 40.00 feet of the East 115.00 feet of the South 22.50 feet, and all of the South 15.00 feet of the East 75.00 feet, Lot 10, Block 2, MILBURN PLACE, a subdivision of record in the City of Overland Park, Johnson County, Kansas. Except for all that part in the South 10.00 feet of the East 105.00 feet of said Lot 10.

Containing 975 square feet, more or less.

**Section 2.** It is further authorized and provided that, as soon as practicable after the passage of this Ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501 *et seq.*, the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

**Section 3.** This Ordinance shall take effect and be in force as of the date of its passage, approval and publication as provided by law.

PASSED by the City Council this 20th day of September, 2021.

APPROVED by the Mayor this 20th day of September, 2021.

**CITY OF OVERLAND PARK, KANSAS**

(s) Carl Gerlach  
Carl Gerlach, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley  
Elizabeth Kelley  
City Clerk

(s) Trevor L. Stiles  
Trevor L. Stiles  
Senior Assistant City Attorney