

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.)	
)	
APAC-KANSAS, INC., <i>et al.</i>)	
Defendants.)	

NOTICE OF APPRAISERS' HEARINGS AND VIEWINGS

I. Hearing November 22, 2021 for Tract No. 2 and Tract No. 16.

Notice is hereby given that, in accordance with the provisions of Kansas Eminent Domain Procedure Act, K.S.A. 26-501, et seq., the Court Appointed Appraisers will hold a public hearing in the Council Chambers of Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, Kansas 66212, on Monday, November 22nd, 2021, at 9:00am.

The Court Appointed Appraisers will conduct their viewings immediately after the hearing.

The Court Appointed Appraisers may hold hearings on the following day without further notice, and may continue the hearings thereafter from day to day or place to place until the hearings are concluded with respect to all properties involved in the action. Any party may appear in person or by an attorney and may present either oral or written testimony by the landowner or other witness at such hearing.

At the hearings, the Court Appointed Appraisers will hear evidence and testimony on all matters pertaining to the appraisal of compensation and the assessment of damages

for the taking of the lands or interests therein sought to be acquired by the City of Overland Park in the above-entitled matter covering the following described lands:

TRACT NO. 2

OWNERS: Billy R. Waters and Sherry L. Waters, husband and wife.
Mailing address: 10270 W. 167th St., Overland Park, KS 66221. *With copy to, Melissa Sherman, Spencer Fane LLP, 6201 College Boulevard, Suite 500, Overland Park, KS 66211.*

SITUS ADDRESS: 10270 W. 167th St., Overland Park, KS

TAX PROPERTY ID: NF241413-2004

DESCRIPTION OF LAND AND INTEREST SOUGHT:

FEE SIMPLE

The West 208.72 feet of the South 208.72 feet in the Southwest Quarter of Section 13, Township 14 South, Range 24 East, in Johnson County, Kansas, except that part in streets and roads.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: This description shown hereon per Warranty Deed Book 200610, Page 001495 of the Johnson County, Kansas records.

MORTGAGE HOLDERS OF RECORD:

-Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-WF2, Asset-Backed Certificates, Series 2008-WF2, *by virtue of mortgage recorded in Book 200610 at Page 001496 and assigned from Wells Fargo to Deutsche Bank National Trust Company in Book 201108 at Page 003953.* Mailing address: 1761 East Saint Andrew Place, Santa Ana, CA 92705.

-Commercial Capital Company, LLC, *by virtue of mortgage recorded in Book 201306 at Page 004657.* Mailing Address: 8215 Melrose Dr., Lenexa, KS 66214. *With Copy to Stephen D. McGiffert, Payne & Jones, Chartered, 1100 King, Overland Park, KS 66210.*

EASEMENT HOLDERS OF RECORD:

-Evergy Metro, Inc., as successor to The Kansas City Power & Light Co., *by virtue of easement conveyance recorded in Book 21 at Page 22; and by virtue of easement conveyance recorded in Book 18 at Page 540; and by virtue of easement conveyance recorded in Book 4430 at Page 310.* Mailing address:

1200 Main Street, Kansas City, MO 64105; *with copy to: Katie Lee, Corporate Counsel, Evergy, Inc., PO Box 418679, Kansas City, MO 64141.*

-Atmos Energy Corporation, as the successor to Union Gas System, Inc. and United Cities Gas Company, by virtue of right-of-way contract recorded in Book 187 at page 120. Mailing Address: PO Box 650205, Dallas, TX 75265.

OTHER INTERESTED PARTIES:

-Kansas Department of Revenue by virtue of State Tax Warrant 19TW7778 and State Tax Warrant 21TW414. Mailing Address: PO Box 12005, Topeka, KS 66612; with copy to: Randall Wharton, Legal Services Bureau, Kansas Department of Revenue, 109 SW 9th Street, PO Box 3506, Topeka, KS 66601.

-The Board of County Commissioners of Johnson County, Kansas by virtue of future installments levied by JCW SAC. Mailing Address: 111 S. Cherry Street, Ste. 3300, Olathe, Kansas 66061; with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.

-Consolidated Sewer Main District of Johnson County by virtue of future installments levied by JCW SAC. Mailing Address: c/o Johnson County Wastewater, 11811 S. Sunset Drive, Suite 2500, Olathe, KS 66061; with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.

-Thomas G. Franzen, Johnson County Treasurer. Mailing address: 111 S. Cherry Street, Ste. 1500, Olathe, Kansas 66061; with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.

-Unknown Tenant(s) of 10270 W. 167th St., Overland Park, Kansas.

-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 as interests sought in Tract 2.

TRACT NO. 16

OWNERS: Billy R. Waters and Sherry L. Waters, husband and wife
Mailing Address: 16680 Switzer Rd., Overland Park, KS 66221. *With copy to, Melissa Sherman, Spencer Fane LLP, 6201 College Boulevard, Suite 500, Overland Park, KS 66211.*

SITUS ADDRESS: 16680 Switzer Rd., Overland Park, KS

TAX PROPERTY ID: NF241414-4005

DESCRIPTION OF LAND AND INTEREST SOUGHT:

FEE SIMPLE

That part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, in Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Quarter section; thence North 200 feet along the East line thereof; thence West 435.6 feet; thence South 200 feet; thence East 435.6 feet to the point of beginning.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: This description shown hereon per Trustees Deed Book 200609, Page 005690 of the Johnson County, Kansas records.

MORTGAGE HOLDERS OF RECORD: N/A.

EASEMENT HOLDERS OF RECORD:

-Water District No. 1 of Johnson County, Kansas as successor to Rural Water District No. 5 by virtue of Right-of-Way easement recorded in Book 178 at Page 235. Mailing address: 10747 Renner Rd., Lenexa, KS 66219; with copy to: Eric Arner, General Counsel, WaterOne, 10747 Renner Rd., Lenexa, KS 66219.

-Atmos Energy Corporation, as the successor to Union Gas System, Inc. and United Cities Gas Company, by virtue of right-of-way contract recorded in Book 187 at page 136 and partial release of right-of-way recorded in Book 225 at Page 260. Mailing Address: PO Box 650205, Dallas, TX 75265.

-Every Metro, Inc., as successor to The Kansas City Power & Light Co., by virtue of easement conveyance recorded in Book 228 at Page 129; and by virtue of easement conveyance recorded in Book 4430 at Page 313. Mailing address: 1200 Main Street, Kansas City, MO 64105; with copy to: Katie Lee, Corporate Counsel, Every, Inc., PO Box 418679, Kansas City, MO 64141.

OTHER INTERESTED PARTIES:

-Kansas Department of Revenue by virtue of State Tax Warrant 19TW7778 and State Tax Warrant 21TW414. Mailing Address: PO Box 12005, Topeka, KS 66612; with copy to: Randall Wharton, Legal Services Bureau, Kansas Department of Revenue, 109 SW 9th Street, PO Box 3506, Topeka, KS 66601.

-Thomas G. Franzen, Johnson County Treasurer. Mailing address: 111 S. Cherry Street, Ste. 1500, Olathe, Kansas 66061; with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.

-The Board of County Commissioners of Johnson County, Kansas by virtue of future installments levied by JCW SAC. Mailing Address: 111 S. Cherry Street, Ste. 3300, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-Consolidated Sewer Main District of Johnson County by virtue of future installments levied by JCW SAC. Mailing Address: c/o Johnson County Wastewater, 11811 S. Sunset Drive, Suite 2500, Olathe, KS 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-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 as interests sought in Tract 16.

II. Hearing December 8, 2021 for Tract No. 20 and Tract No. 21.

Notice is hereby given that, in accordance with the provisions of Kansas Eminent Domain Procedure Act, K.S.A. 26-501, et seq., the Court Appointed Appraisers will hold a public hearing in the Council Chambers of Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, Kansas 66212, on Wednesday, December 8th, 2021, at 9:30am. The Court Appointed Appraisers will conduct their viewings immediately after the hearing.

The Court Appointed Appraisers may hold hearings on the following day without further notice, and may continue the hearings thereafter from day to day or place to place until the hearings are concluded with respect to all properties involved in the action. Any party may appear in person or by an attorney and may present either oral or written testimony by the landowner or other witness at such hearing.

At the hearings, the Court Appointed Appraisers will hear evidence and testimony on all matters pertaining to the appraisal of compensation and the assessment of damages

for the taking of the lands or interests therein sought to be acquired by the City of Overland Park in the above-entitled matter covering the following described lands:

TRACT NO. 20

OWNERS: George Kevin Mason and Denise I. Mason, husband and wife
Mailing address: 2210 W. 71st St., Prairie Village, KS 66208. *With Copy to, John Nitcher, Riling, Burkhead & Nitcher, CHTD, 808 Massachusetts St., Lawrence, KS 66044.*

SITUS ADDRESS: 16600 Switzer Rd., Overland Park, KS

TAX PROPERTY ID: NF241414-4018

DESCRIPTION OF LAND AND INTEREST SOUGHT:

RIGHT OF WAY

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 385.00 feet to the Point of Beginning; thence continue N01°55'41"W, 165.00 feet to the north line of the north 165 feet of the south 550 feet of the East Half of the Southeast Quarter of said Section 14; thence S88°00'08"W, along said north line, 60.00 feet; thence departing said north line, S01°55'41"E, 165.00 feet to the south of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence N88°00'08"E, along said south line, 60.00 feet to the Point of Beginning.

EXCEPT that part that lies within existing right of way.

Containing in all 6,600 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

PERMANENT UTILITY EASEMENT

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 385.00 feet to the south line of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence S88°00'08"W,

along said south line, 60.00 feet to the Point of Beginning; thence continue S88°00'08"W, 10.00 feet; thence departing said south line, N01°55'41"W, 165.00 feet to the north line of the north 165 feet of the south 550 feet of the East Half of the Southeast Quarter of said Section 14; thence N88°00'08"E, along said north line, 10.00 feet; thence departing said north line, S01°55'41"E, 165.00 feet to the Point of Beginning.

Containing in all 1,650 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 385.00 feet to the south line of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence S88°00'08"W, along said south line, 60.00 feet to the Point of Beginning; thence continue S88°00'08"W, 33.00 feet; thence departing said south line, N01°55'41"W, 15.00 feet; thence N88°04'19"E, 28.00 feet; thence N01°55'41"W, 90.00 feet; thence S88°04'19"W, 40.00 feet; thence N01°55'41"W, 60.00 feet to the north line of the north 165 feet of the south 550 feet of the East Half of the Southeast Quarter of said Section 14; thence N88°00'08"E, along said north line, 45.00 feet; thence departing said north line, S01°55'41"E, 165.00 feet to the Point of Beginning.

Containing in all 3,645 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

MORTGAGE HOLDERS OF RECORD: Hawthorn Bank, *by virtue of mortgage recorded in Book 200804 at Page 004149; and assignment of lease and rents recorded in Book 201305 at Page 002854.* Mailing Address: 8127 E. 171st. Street, Belton, Mo. 64102.

EASEMENT HOLDERS OF RECORD:

-Water District No. 1 of Johnson County, Kansas as successor to Rural Water District No. 5 by virtue of Right-of-Way easement recorded in Book 178 at Page 235. Mailing address: 10747 Renner Rd., Lenexa, KS 66219; with copy to: Eric Arner, General Counsel, WaterOne, 10747 Renner Rd., Lenexa, KS 66219.

-Atmos Energy Corporation, *as the successor to Union Gas System, Inc. and United Cities Gas Company, by virtue of right-of-way contract recorded in Book 187 at page 136 and partial release of right-of-way recorded in Book 225 at Page 260.* Mailing Address: PO Box 650205, Dallas, TX 75265.

-The Board of County Commissioners of Johnson County, Kansas, as the Governing Body of Consolidated Main Sewer District of Johnson County, Kansas, *by virtue of Petition for Condemnation, Case No. 06CV01750 and recorded in Book 200603 at Page 003088.* Mailing address: 111 S. Cherry Street, Ste. 3300, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

OTHER INTERESTED PARTIES:

-Thomas G. Franzen, Johnson County Treasurer. Mailing address: 111 S. Cherry Street, Ste. 1500, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-Unknown Tenant(s) of 16600 Switzer Road, Overland Park, Kansas.

-The Board of County Commissioners of Johnson County, Kansas by virtue of future installments levied by JCW SAC. Mailing Address: 111 S. Cherry Street, Ste. 3300, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-Consolidated Sewer Main District of Johnson County by virtue of future installments levied by JCW SAC. Mailing Address: c/o Johnson County Wastewater, 11811 S. Sunset Drive, Suite 2500, Olathe, KS 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-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 as interests sought in Tract 20.

TRACT NO. 21

OWNERS: George Kevin Mason and Denise I. Mason, husband and wife
Mailing address: 2210 W. 71st St., Prairie Village, KS 66208. *With Copy to, John Nitcher, Riling, Burkhead & Nitcher, CHTD, 808 Massachusetts St., Lawrence, KS 66044.*

SITUS ADDRESS: N/A.

TAX PROPERTY ID: NF241414-4020

DESCRIPTION OF LAND AND INTEREST SOUGHT:

RIGHT OF WAY

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 550.00 feet to the Point of Beginning; thence continue N01°55'41"W, 65.83 feet to the north of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence S88°00'08"W, along said north line, 60.00 feet; thence departing said north line, S01°55'41"E, 65.83 feet to the south line of the north 66 feet of the south 616 feet of the Southeast Quarter of said Section 14; thence N88°00'08"E, along said south line, 60.00 feet to the Point of Beginning.

EXCEPT that part that lies within existing right of way.

Containing in all 2,633 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

PERMANENT UTILITY EASEMENT

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 550.00 feet to the south line of the north 66 feet of the south 616 feet of the Southeast Quarter of said Section 14; thence S88°00'08"W, along said south line, 60.00 feet to the Point of Beginning; thence continue S88°00'08"W, 10.00 feet; thence departing said south line, N01°55'41"W, 65.83 feet to the north line of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence N88°00'08"E, along said north line, 10.00 feet; thence departing said north line, S01°55'41"E, 65.83 feet to the Point of Beginning.

Containing in all 658 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

TEMPORARY CONSTRUCTION EASEMENT

All that part of the Southeast Quarter of Section 14, Township 14 South, Range 24 East, City of Overland Park, Johnson County, Kansas, more particularly described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 14; thence N01°55'41"W, along the east line thereof, 550.00 feet to the south line of the north 66 feet of the south 616 feet of the Southeast Quarter of said Section 14; thence S88°00'08"W, along said south line, 60.00 feet to the Point of Beginning; thence continue S88°00'08"W, 10.00 feet; thence N01°55'41"W, 65.83 feet to the north line of a tract of land as described in Book 7273 at Page 92 of the Johnson County Records; thence N88°00'08"E, along said north line, 10.00 feet; thence departing said north line, S01°55'41"E, 65.83 feet to the Point of Beginning.

Containing in all 658 square feet, more or less.

Subject to easements, restrictions, reservations and covenants of record, if any.

(Note: The bearings in this description are based on Grid North, Kansas State Plane Coordinate System, NAD83)

MORTGAGE HOLDERS OF RECORD: Hawthorn Bank, *by virtue of mortgage recorded in Book 200804 at Page 004149; and assignment of lease and rents recorded in Book 201305 at Page 002854.* Mailing Address: 8127 E. 171st. Street, Belton, Mo. 64102.

EASEMENT HOLDERS OF RECORD:

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-Atmos Energy Corporation, *as the successor to Union Gas System, Inc. and United Cities Gas Company, by virtue of right-of-way contract recorded in Book 187 at page 136 and partial release of right-of-way recorded in Book 225 at Page 260.* Mailing Address: PO Box 650205, Dallas, TX 75265.

-The Board of County Commissioners of Johnson County, Kansas, as the Governing Body of Consolidated Main Sewer District of Johnson County, Kansas, *by virtue of Petition for Condemnation, Case No. 06CV01750 and recorded in Book 200603 at Page 003088.* Mailing address: 111 S. Cherry Street, Ste. 3300, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

OTHER INTERESTED PARTIES:

-Thomas G. Franzen, Johnson County Treasurer. Mailing address: 111 S. Cherry Street, Ste. 1500, Olathe, Kansas 66061; *with copy to Robert A. Ford, Assistant County Counselor, 111 S. Cherry Street, Ste. 3200, Olathe, KS 66061.*

-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 as interests sought in Tract 21.

III. Appraisers Report to be filed on or before December 15, 2021.

You are further notified that the Court has set the 15th day of December, 2021, unless extended by Court Order, for the filing of the awards of the Court Appointed Appraisers with the Clerk of the Court, and any party dissatisfied with the award may appeal therefrom as by law permitted within 30 days from the day of filing.

CITY OF OVERLAND PARK, KANSAS

By: /s/ Trevor L. Stiles
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