

ORDINANCE NO. A-3398

AN ORDINANCE INCORPORATING AND ANNEXING INTO THE LIMITS AND BOUNDARIES OF THE CITY OF OVERLAND PARK CERTAIN LAND IN SECTION 31, TOWNSHIP 14, RANGE 25, JOHNSON COUNTY, KANSAS, SPECIFICALLY DESCRIBED HEREAFTER THAT IS NOT OWNED BY THE CITY, THAT ADJOINS THE CITY WITHIN THE MEANING OF K.S.A. 12-519(d), AND THAT IS LOCATED IN FOUR SEPARATE BUT ADJACENT TRACTS, PLUS A PORTION OF LAND CURRENTLY CONSISTING OF US-69 HIGHWAY RIGHT-OF-WAY CONSISTING OF AN APPROXIMATE TOTAL OF 39 ACRES THAT ARE GENERALLY SOUTH OF 183RD STREET, WEST OF METCALF AVENUE, EAST OF US-69 HIGHWAY, AND NORTH OF 191ST STREET.

WHEREAS, the owners of four tracts of land, current Johnson County, Kansas Tax Parcel ID Numbers 1F251431-3007, 1F251431-3024, 1F251431-3030, and 1F251431-3032 and set forth in Section 1 of this ordinance, (the “Petitioning Land”), filed with the City Clerk of the City of Overland Park a written Petition Annexation of the land into the City of Overland Park, bearing a certification date of September 13, 2022, pursuant to K.S.A. 12-520(a)(7), as amended, and other relevant authority; and

WHEREAS, all of the owners of such Petitioning Land, as the term “owners” is defined at K.S.A. 12-519(c), have duly executed said written Petition to Annexation; and

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

WHEREAS, such Petitioning Land is located in four separate but adjacent tracts consisting of an approximate total of 36.126 acres in Section 31, Township 14, Range 25, Johnson County, Kansas, and that said tracts lie generally south of 183rd Street, west of Metcalf Avenue, east of US-69 Highway, and north of 191st Street in Johnson County, Kansas; and

WHEREAS, such Petitioning Land “adjoins” the boundaries of the City of Overland Park within the meaning of K.S.A. 12-519(d), at this time; and

WHEREAS, a portion of the land described below consists of US-69 Highway right-of-way, consisting of an approximate total of 2.895 acres, as set forth in Section 2 of this ordinance, which currently separates the City’s current corporate boundaries and the Petitioning Land (the “US-69 Right-of-Way”). K.S.A. 12-520(e) allows the City to unilaterally annex the US-69 Right-of-Way.

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, Kansas, pursuant to K.S.A. 12-520, as amended, and other relevant authority:

Current Johnson County, Kansas Tax Parcel ID Numbers 1F251431-3007, 1F251431-3024, 1F251431-3030, and 1F251431-3032

All that part of the Northeast Quarter of Section 31, Township 14 South, Range 25 East, in Johnson County, Kansas, as prepared by Robert L. Ubben, Kansas Licensed Land Surveyor 1247, on December 27, 2022, described as follows:

Commencing at the Northeast Corner of said Section 31; thence South 02°02'23" East, along the East line of the Northeast Quarter of said Section 31, a distance of 874.50 feet to the most Southeasterly Corner of BERKSHIRE RIDGE, a subdivision of land in Johnson County, Kansas; thence South 87°57'31" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 49.97 feet; thence South 68°36'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 0.03 feet to a point on the West right-of-way line of Metcalf Avenue as it now exists, said point being the Point of Beginning; thence South 02°02'23" East, along said West right-of-way line of Metcalf Avenue, a distance of 1,101.00 feet to a point on the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 87°32'59" West, along the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 1,276.29 feet to the Southwest Corner of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 02°04'36" West, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 60.17 feet; thence South 87°27'45" West a distance of 557.32 feet; thence North 02°04'39" West a distance of 38.14 feet; thence South 87°27'47" West a distance of 437.77 feet to a point on the Easterly right-of-way line of U.S. 69 Highway; thence North 05°49'55" East, along said Easterly right-of-way line of U.S. 69 Highway, a distance of 380.37 feet; thence North 07°26'36" West, along said Easterly right-of-way line of U.S. 69 Highway, a distance of 189.35 feet to a point on the North line of the Southwest Quarter of the Northeast Quarter of said Section 31; thence North 87°38'11" East, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 960.44 feet to the Northwest Corner of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 02°04'36" East, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 149.22 feet to the most Southwesterly Corner of said BERKSHIRE RIDGE subdivision; thence North 80°18'47" East, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 277.03 feet; thence North 54°53'47" East, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 463.00 feet; thence North 43°23'47" East, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 208.00 feet; thence North 68°36'47" East, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 493.69 feet to the Point of Beginning. Containing 36.126 acres, more or less.

SECTION 2. That the following legally described land, consisting of U.S. 69 Highway Right-of-way, is hereby included, incorporated, annexed and brought within the corporate limits of the City of Overland Park, Kansas, pursuant to K.S.A. 12-520, as amended, and other relevant authority:

All that part of the Northeast Quarter of Section 31, Township 14 South, Range 25 East, in Johnson County, Kansas, as prepared by Robert L. Ubben, Kansas Licensed Land Surveyor 1247, on December 27, 2022, described as follows:

Commencing at the Northeast Corner of said Section 31; thence South 02°02'23" East, along the East line of the Northeast Quarter of said Section 31, a distance of 874.50 feet to the most Southeasterly Corner of BERKSHIRE RIDGE, a subdivision of land in Johnson County, Kansas; thence South 87°57'31" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 49.97 feet; thence South 68°36'47" West, along the South line of said BERKSHIRE RIDGE subdivision, a distance of 0.03 feet to a point on the West right-of-way line of Metcalf Avenue as it now exists; thence South 02°02'23" East, along said West right-of-way line of Metcalf Avenue, a distance of 1,101.00 feet to a point on the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence South 87°32'59" West, along the South line of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 1,276.29 feet to the Southwest Corner of the North Half of the Southeast Quarter of the Northeast Quarter of said Section 31; thence North 02°04'36" West, along the West line of the Southeast Quarter of the Northeast Quarter of said Section 31, a distance of 60.17 feet; thence South 87°27'45" West a distance of 557.32 feet; thence North 02°04'39" West a distance of 38.14 feet; thence South 87°27'47" West a distance of 437.77 feet to a point on the Easterly right-of-way line of U.S. 69 Highway, said point being the Point of Beginning; thence continuing South 87°27'47" West a distance of 213.83 feet to a point on the center line of said U.S. 69 Highway; thence North 02°30'35" East, along said center line of U.S. 69 Highway, a distance of 567.79 feet to a point on the North line of the Southwest Quarter of the Northeast Quarter of said Section 31; thence North 87°38'11" East, along the North line of the Southwest Quarter of the Northeast Quarter of said Section 31, a distance of 203.05 feet to a point on the Easterly right-of-way line of U.S. 69 Highway; thence South 07°26'36" East, along said Easterly right-of-way line of U.S. 69 Highway, a distance of 189.35 feet; thence South 05°49'55" West, along said Easterly right-of-way line of U.S. 69 Highway, a distance of 380.37 feet to the Point of Beginning. Containing 2.895 acres, more or less

SECTION 3. 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 4. That this Ordinance shall take effect and be in force from and after its publication in an official city newspaper.

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PASSED by the City Council this 9th day of January, 2023.

APPROVED by the Mayor this 9th day of January, 2023.

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

(s) Elizabeth Kelley
Elizabeth Kelley, City Clerk

APPROVED AS TO FORM:

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