

Published: February 22, 2022

ORDINANCE NO. 1025

AN ORDINANCE condemning lands or interests in lands for the reconstruction of 47th Avenue from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01); and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

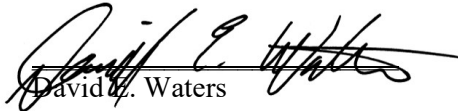
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS:

1. The following described lands and/or interests in lands are hereby condemned and appropriated to the City of Westwood, Kansas for the reconstruction of 47th Street from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01) within Wyandotte County, Kansas to-wit:

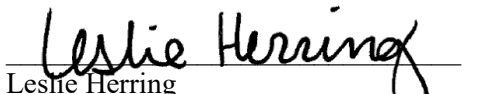
See Exhibit "A", which is attached hereto and incorporated herein by reference;

2. It is hereby found that the costs of such project will be paid by the City of Westwood, Kansas; the Unified Government of Wyandotte County/Kansas City, Kansas; and the Kansas Department of Transportation.
3. The City Attorney is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above-described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS THIS 10TH DAY OF FEBRUARY, 2022.


David L. Waters
Mayor

ATTEST:


Leslie Herring
Chief Administrative Officer/City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'RD', is written over a horizontal line.

Ryan Denk
City Attorney

EXHIBIT "A"

DESCRIPTION OF REAL PROPERTY AND/OR REAL PROPERTY INTERESTS TO BE ACQUIRED:

PROJECT TRACT NO. 13

Property Address: 2801 W. 47th Street

County Parcel ID: RF251203-3025

Fee Simple Owner: PHM VIII, LLC

Interests to be acquired:

Permanent Road Right of Way Easement:

All that part of the East Half of the West Half of the Northeast Quarter of Section 3, Township 12 South, Range 25 East, of the Sixth Principal Meridian, in the City of Westwood, Johnson County, Kansas, being the North 5 feet of that parcel described in the Special Warranty Deed recorded in Book 201605, Page 004833 and more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 3; thence North 87°44'56" East, along the North line of said Northeast Quarter, a distance of 1,028.68 feet; thence South 02°15'04" East, departing said North line, a distance of 30.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Northwest corner of said parcel and the Point of Beginning; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 49.33 feet, to the Northeast corner of said parcel; thence South 02°17'22" East, departing said South Right-of-Way line and along the East line of said parcel, a distance of 5.00 feet; thence South 87°44'56" West, departing said East line, a distance of 49.31 feet to a point on the West line of said parcel; thence North 02°31'38" West, along said West line, a distance of 5.00 feet, to the Point of Beginning, containing 246.67 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 17

Property Address: 2601 W. 47th Street
County Parcel ID: RF251203-3059
Fee Simple Owner: Southern Star Central Gas

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 3, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 3; thence South 02°19'16" East, along the East line of said Lot 3, a distance of 5.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established; thence South 87°44'56" West, departing said East line and along said South Right-of-Way line, a distance of 65.00 feet, to the Point of Beginning; thence South 02°19'16" East, departing said South Right-of-Way line, a distance of 22.00 feet; thence South 87°44'56" West, a distance of 22.00 feet; thence North 02°19'16" West, a distance of 22.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 22.00 feet, to the Point of Beginning, containing 484.00 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 24

Property Address: 2517 W. 47th Street
County Parcel ID: RP54000000 0003
Fee Simple Owner: Donald and Patricia Welsh

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 3, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 3; thence South 02°19'16" East, along the East line of said Lot 3, a distance of 5.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established; thence South 87°44'56" West, departing said East line and along said South Right-of-Way line, a distance of 65.00 feet, to the Point of Beginning; thence South 02°19'16" East, departing said South Right-of-Way line, a distance of 22.00 feet; thence South 87°44'56" West, a distance of 22.00 feet; thence North 02°19'16" West, a distance of 22.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 22.00 feet, to the Point of Beginning, containing 484.00 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 28

Property Address: 2509 W. 47th Street

County Parcel ID: RP54000000 0002

Fee Simple Owner: Lance Herring

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 2, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 2; thence South 02°19'16" East, along the East line of said Lot 2, a distance of 5.00 feet, to the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Point of Beginning; thence South 02°19'16" East, continuing along said East line, a distance of 12.00 feet; thence South 87°44'56" West, departing said East line, a distance of 24.00 feet; thence North 02°19'16" West, a distance of 12.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 24.00 feet, to the Point of Beginning, containing 288.00 square feet or 0.01 acres, more or less.