

(Publish in *The Leavenworth Times* on December 17, 2021)

**ORDINANCE NO. 8181**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, ALSO REFERRED TO AS KDOT PROJECT NO.: KDOT #52 KA-5575-01, IN THE CITY OF LEAVENWORTH, KANSAS.**

**WHEREAS**, on November 9, 2021, and pursuant to K.S.A. 26-201, the Governing Body of the City of Leavenworth, Kansas, did by Resolution No. B-2300 declare the necessity for, and authorize the completion of, a survey and description of lands or interests therein to be condemned by the City, for the purpose of for the use of the City for the purpose of rights-of-way, permanent easements, and temporary construction easements, including but not limited to for the completion of the K-7 and Eisenhower Intersection Improvement Project, also referred to as KDOT Project No.: KDOT #52 KA-5575-01 to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents;

**WHEREAS**, a survey and legal descriptions of the land or interests therein to be condemned have been made and prepared by a competent engineer and filed with the Clerk of the City of Leavenworth, Kansas, such legal description and interests being as shown and/or described on **Exhibit A**, which is attached hereto and incorporated herein by this reference.

**WHEREAS**, the Resolution was published once in the official City newspaper as shown in **Exhibit B**, which is attached hereto and incorporated herein by reference; and

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

**SECTION I.** It is hereby authorized and provided that the above-described lands and interests be acquired by condemnation pursuant to K.S.A. 26-201 and K.S.A. 26-501, *et seq.*, for the above described purposes.

**SECTION II.** This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

*[Signature Page Follows Directly]*

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF LEAVENWORTH,  
KANSAS ON THIS 14<sup>th</sup> DAY OF December 2021.**

/s/ Nancy D. Bauder  
Mayor

[SEAL]

ATTEST:

/s/ Carla K. Williamson  
Carla K. Williamson, CMC, City Clerk

**EXHIBIT A**

[Survey and Legal Descriptions]

**Main Office**  
 2908 North Plum Street  
 Hutchinson, KS 67502  
 Office: (620) 665-7032  
 Fax: (620) 663-7401

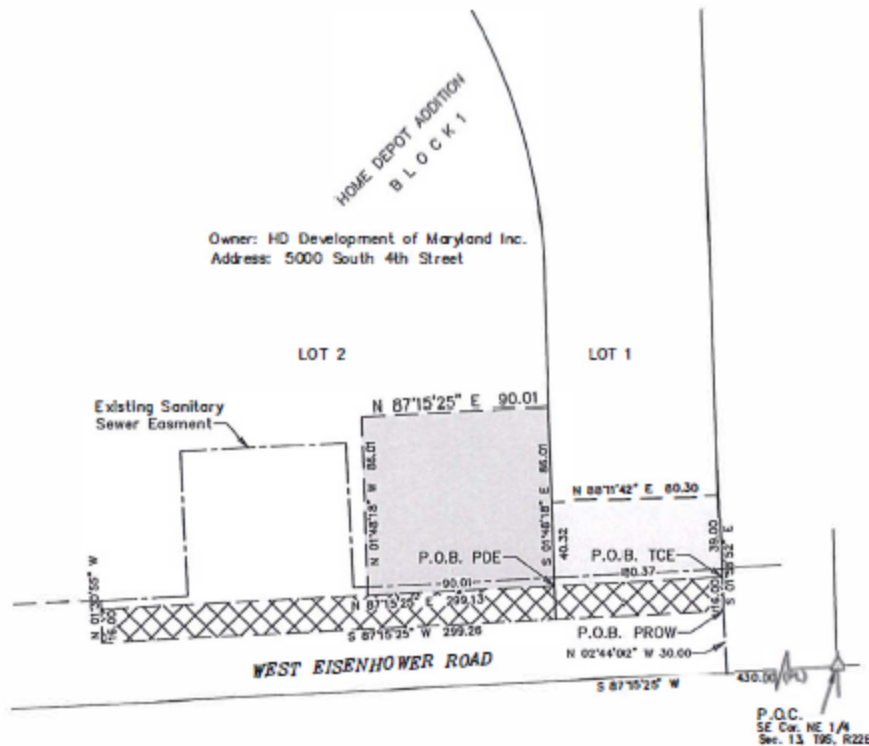


**Garber Surveying Service, P.A.**

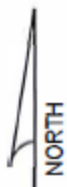
**Branch Offices**  
 Ashkanan 785-320-4810  
 McPherson 620-241-4441  
 Newton 316-283-5053  
 Sedona 785-404-6302  
 Wichita 316-260-9933

**SURVEY FOR:** BENESCH      **EXHIBIT "A"**      **Project No. G2021-47**  
**OWNER:** HD DEVELOPMENT OF MARYLAND INC.      **KDOT Project No.: KDOT #62 KA-6575-01**  
 5000 SOUTH 4TH STREET  
 LEAVENWORTH, KS 66048

TRACT 3



P.O.C.  
 SE. Cor. NE 1/4  
 Sec. 13 T8E, R22E



**Scale: 1" = 60'**  
**BASIS OF BEARING**  
 = NAD 83 KANSAS  
 NORTH ZONE

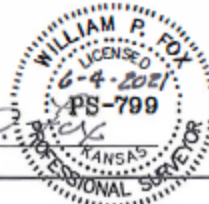
**LEGEND**

- Proposed Temporary Construction Easement
- Proposed Permanent Drainage Easement
- Proposed Right of Way Easement
- P.O.B. - Point of Beginning
- P.O.C. - Point of Beginning
- TCE - Proposed Temporary Construction Easement
- PDE - Proposed Permanent Drainage Easement
- PROW - Proposed Right of Way
- △ - Sectional Monument Found

**DATE OF FIELD WORK:** December, 2020

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William P. Fox, PS #799



KDOT Project No: 52 KA-5575-01  
Tract No.: 3  
Parcel ID No. 1061301001032010  
Owner: HD Development of Maryland Inc.  
Situs Address: 5000 S 4th Street  
Leavenworth, KS. 66043

## Exhibit "A"

### **TEMPORARY CONSTRUCTION EASEMENT:**

Containing 3186 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas thence N 1°58'52" W along an Easterly line of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas for a distance of 16.00 feet to THE POINT OF BEGINNING: thence S 87°15'25" W a distance of 80.37 feet to a point on the West line of Lot 1, Block 1; thence N 01°48'18" W along the West line of said Lot 1, Block 1, a distance of 40.32 feet; thence N 88°11'42" E a distance of 80.30 feet; to a point on an Easterly line of Lot 1, Block 1, Home Depot Addition; thence S 01°53'26" E a distance of 39.00 feet to THE POINT OF BEGINNING.

### **PERMANENT DRAINAGE EASEMENT:**

Containing 7741 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas; thence S 87°15'25" W along the South line of said Lot 1, Block 1 a distance of 80.42 feet to a common corner between Lot 1 and Lot 2 as platted in Home Depot Addition to Leavenworth, Kansas; thence N 1°48'18" W along the East line of said Lot 2, Block 1 Home Depot Addition to Leavenworth, Kansas for a distance of 16.00 feet to THE POINT OF BEGINNING; thence S 87°15'25" W a distance of 90.01 feet; thence N 01°48'18" W a distance of 86.01 feet; thence N 87°15'25" E a distance of 90.01 feet to a point on the East line of said Lot 2, Block 1; thence S 01°48'18" E along the East line of said Lot 2, Block 1 a distance of 86.01 feet to THE POINT OF BEGINNING.

KDOT Project No: 52 KA-5575-01  
Tract No.: 3  
Parcel ID No. 1061301001032010  
Owner: HD Development of Maryland Inc.  
Situs Address: 5000 S 4th Street  
Leavenworth, KS. 66043

**PERMANENT RIGHT-OF-WAY:**

Containing 4787 square feet, more or less.

Commencing at the Southeast Corner of the Northeast Quarter of Section 13, Township 9 South, Range 22 East of the Sixth P.M. in Leavenworth County, Kansas; Thence S 87° 15' 25" W along the South line of said Northeast Quarter of Section 13-T9S-R22E, for a distance of 430.00 feet; thence N 2° 44' 02" W for a distance of 30.00 feet to a Southeast corner of Lot 1, Block 1, Home Depot Addition to Leavenworth, Kansas and the POINT OF BEGINNING; thence S 87°15'25" W along the South line of Lots 1 and 2, Block 1 Home Depot Addition to Leavenworth, Kansas for a distance of 299.26 feet to a Southwest corner of said Lot 2, Block 1, Home Depot Addition; thence N 01°30'55" W along a West line of said Lot 2, Block 1, Home Depot Addition a distance of 16.00 feet; thence N 87°15'25" E parallel with the South line of said Lots 2 and 1, Block 1, Home Depot Addition to Leavenworth, Kansas a distance of 299.13 feet to a point on an East line of said Lot 1, Block 1, Home Depot Addition; thence S 01°58'52" E along an East line of said Lot 1, Block 1, a distance of 16.00 feet to THE POINT OF BEGINNING.



**EXHIBIT B**

[Proof of Publication]

AFFP  
RESOLUTION NO. B-2300 A RESOLU

**Affidavit of Publication**

STATE OF KANSAS )  
COUNTY OF ) SS  
LEAVENWORTH )

Tammy Lawson, being duly sworn, says:

That she is Tammy Lawson of the Leavenworth Times, a daily newspaper of general circulation, printed and published in Leavenworth, Leavenworth County, Kansas; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

November 12, 2021

RESOLUTION NO. B-2300 A RESOLUTION DECLARING THE NECESSITY TO APPROPRIATE PRIVATE PROPERTY CONNECTED WITH THE K-7 AND EISENHOWER INTERSECTION IMPROVEMENT PROJECT, FOR THE USE OF THE CITY AND AUTHORIZING A SURVEY AND DESCRIPTION LAND OR INTEREST TO BE CONDEMNED TO BE PREPARED BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS: Section 1: That the Governing Body of the City of Leavenworth, Kansas, does hereby deem it necessary to appropriate private property for the use of the City for the purpose of rights-of-way, permanent easements and temporary construction easements to complete the K-7 and Eisenhower Intersection Improvement Project to include curb and gutter, sidewalks, asphalt pavement, storm drainage systems, and other improvements as shown on the plan documents. Section 2: That the Governing Body of the City of Leavenworth, Kansas, does hereby authorize a survey and description of the land or interest to be condemned to be made by a licensed land surveyor or a professional engineer who is competent to conduct a land survey and filed with the City Clerk. Section 3: That this resolution shall be published once in the official city newspaper as provided by K.S.A. 26-201. Section 4: This resolution shall be effective upon passage and publication as provided by law. Passed and approved this 9th day of November 2021. Nancy D. Bauder, Mayor (Seal) ATTEST: Carla K. Williamson, CMC, City Clerk. Published in the Leavenworth Times on November 12, 2021.

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Tammy Lawson  
Tammy Lawson

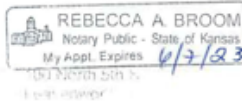
Subscribed to and sworn to me this 13 day of Nov, 21

Rebecca A. Broom  
Rebecca A. Broom, , Leavenworth County, Kansas

My commission expires: June 07, 2023

00000105 00041383

Deputy City Clerk  
City of Leavenworth - Legals  
100 North 5th Street  
Leavenworth, KS 66048



100 North 5th St  
Leavenworth, KS