

Zoning/Special Use Protest Petition

Please read carefully. This is a legal document.

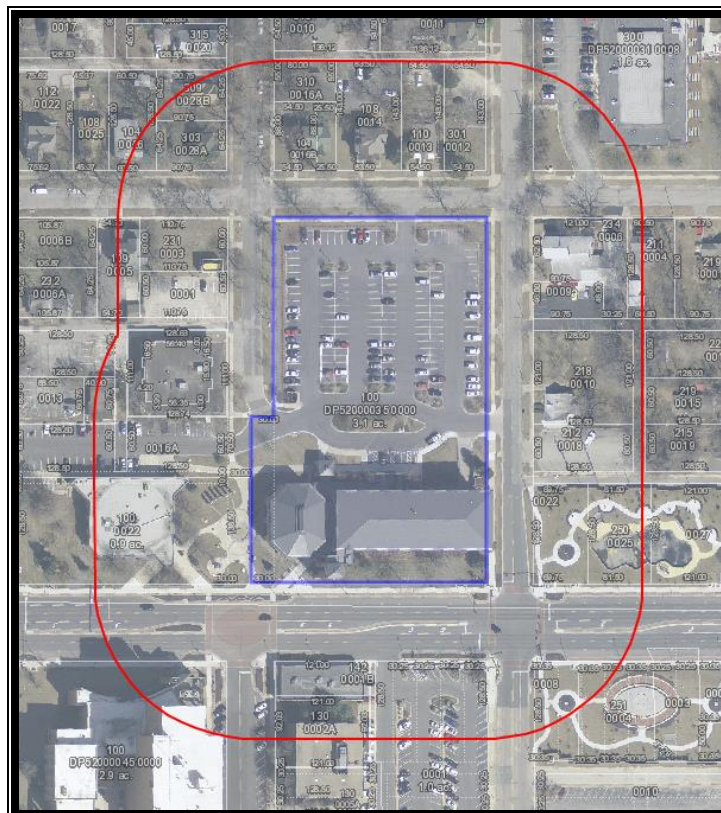
Kansas state statutes and the City of Olathe *Unified Development Ordinance* (UDO) provide for the filing of Protest Petitions on requested Rezoning and Special Use Permits. If a Protest Petition is filed in accordance with adopted regulations and determined to constitute a valid protest, an ordinance approving the protested Zoning or Special Use Permit shall not be passed except by at least a three-fourths ($\frac{3}{4}$) vote of all of the members of the City Council and Mayor.

Valid Protest Requirements:

- Protest Petition forms must be correctly completed and filed with the City Clerk within 14 days after the conclusion of the public hearing by the Planning Commission;
- Protest Petition forms must be filed by the owner(s) of record of at least 20 percent of the total area required to be notified of the public hearing (200 feet within the City limits and 1,000 feet within unincorporated area);
- Names of property owners must ***exactly*** match the property deed recorded in the Department of Records and Tax Administration of Johnson County, Kansas;
- Signatures must be notarized;
- The validity of the protest shall be determined by the City Planning Official in accordance with KSA 12-757(f) and UDO 18.40.090.E.

If the 20 percent requirement is met and the protest is deemed to be valid, the Olathe City Council may only approve the Rezoning or Special Use Permit with six positive votes. The attached form has been created in order to insure an accurate determination of the protest percentage. The following is a list of instructions to assist in completing a Protest Petition.

*Example of 200 foot public notice area (red outline) around City Hall (blue outline).
Properties within the public notice area are eligible to submit a Protest Petition.*



Instructions to complete this form:

This Protest Petition is applicable to one piece of property.

All owners of record for this property are required to sign this Protest Petition.

All signatures must be notarized.

Other eligible properties should file separate Protest Petition documents.

Business entities require an affidavit stating that the business has authorized the signator to file this Protest Petition.

Section I Enter the case number found in the notice received for the proposed Rezoning or Special Use Permit applicable to this Protest Petition.

Section II Enter the full name of all owners of this property, **exactly** as they appear on the property deed recorded in the Department of Records and Tax Administration of Johnson County, Kansas.

Enter the full legal description by lot, block and addition (or by metes and bounds description) of this property. A street address is **not** a legal description, and is therefore not sufficient for completing this form. Refer to the following resources for the full legal description:

- The deed to this property.
- The office of Department of Records and Tax Administration of Johnson County, Kansas.
- Search Location Maps at www.jocogov.org, and look for the legal description under "General Information."

Example: For a husband and wife owning one lot:

| | <u>Name</u> | <u>Plat Name</u> | <u>Lot</u> | <u>Block</u> <i>(if applicable)</i> |
|----|---|--------------------------------------|------------|--|
| 1) | <u><i>John A. Doe</i></u> Signature | Olathe Estates, 2 nd Plat | 5 | 10 |
| | <u>John A. Doe</u> Typed or printed name | | | |
| 2) | <u><i>R. Mary Doe</i></u> Signature | Olathe Estates, 2 nd Plat | 5 | 10 |
| | <u>R. Mary Doe</u> Typed or printed name | | | |

Property owner(s) must file a separate Protest Petition for each lot or tract owned.

Protest Petitions are to be submitted to the City Clerk, 100 East Santa Fe Street. They will be presented to the Olathe City Council when the subject Rezoning or Special Use Permit is considered.

IMPORTANT NOTE: Protest Petitions **must** be submitted within **14** days after the conclusion of the public hearing by the Planning Commission in order to be considered valid.

Zoning/Special Use Protest Petition

SECTION I.

The undersigned property owners protest the proposed change of Zoning or Special Use Permit for property described in Case No. _____.

Legal description of property included in Protest Petition for above case:

SECTION II. -- Protester(s)

PROPERTY OWNED

Plat Name: _____

Lot Number: _____ **Block:** _____
(if applicable)

For property described by metes and bounds, attach the legal description to this document.

PROPERTY OWNER SIGNATURE(S)

(All owners of record for the above-described property must sign)

Owner #1:

Owner #2:

Signature

Signature

Typed or Printed Name

Typed or Printed Name

ACKNOWLEDGMENT

State of Kansas)
County of Johnson) ss

Be it remembered that on this ____ day of _____, 20____, before me, a notary public in and for said County and State, came

_____, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission expires _____

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached as necessary.