ORDINANCE NO. 19-13

AN ORDINANCE VACATING A DRAINAGE EASEMENT LOCATED AT 2180 W. DARTMOUTH STREET IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

WHEREAS, The Shops at Prairie Farms, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain utility easement below described:

ALL THAT PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING A 15.00 FOOT WIDE STRIP OF LAND BEING A PLATTED DRAINAGE EASEMENT LABELED "C 15' D/E", LYING 7.50 FEET ON THE LEFT AND 7.5 FEET ON THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 89°43'02" E, ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY OF DARTMOUTH STREET, AS NOW ESTABLISHED, A DISTANCE OF 105.02 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET ON A CURVE TO THE RIGHT SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 225.00 FEET, AN ARC DISTANCE OF 26.79 FEET TO THE POINT OF BEGINNING; THENCE N 16°25'35" W, A DISTANCE OF 55.00 FEET, TO THE POINT OF TERMINUS.

THE SIDELINES OF THE ABOVE DESCRIBED 15.00 WIDE STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET AND CONTAINS 826.00 SQUARE FEET, MORE OR LESS, OF PLATTED DRAINAGE EASEMENT.

(hereinafter called “property”); and

WHEREAS, A petition for vacation (VAC-19-0001) was filed with the City of Olathe, Kansas, on the 1st day of February 2019; and

WHEREAS, proper notice of such vacation petition was given pursuant to K.S.A. 12-504 and Section 18.40.190 of the Unified Development Ordinance; and

WHEREAS, a public hearing on such petition was held before the Planning Commission of the City of Olathe, Kansas, on the 25th day of March 2019; and

WHEREAS, said Planning Commission has recommended that such drainage easement vacation petition be approved; and

WHEREAS, the petitioner states that he is the owner of record of the property; and

WHEREAS, the City Council has determined that the utility easement is not needed by the city; no private rights will be injured or endangered by the vacation;
the public will suffer no loss or inconvenience thereby; and that in justice to the applicant the petition should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That the following described utility easement granted to the City of Olathe, Kansas, by a plat of The Shops at Prairie Farms, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

ALL THAT PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING A 15.00 FOOT WIDE STRIP OF LAND BEING A PLATTED DRAINAGE EASEMENT LABELED "C 15' D/E", LYING 7.50 FEET ON THE LEFT AND 7.5 FEET ON THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 89°43'02" E, ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY OF DARTMOUTH STREET, AS NOW ESTABLISHED, A DISTANCE OF 105.02 FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET ON A CURVE TO THE RIGHT SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 225.00 FEET, AN ARC DISTANCE OF 26.79 FEET TO THE POINT OF BEGINNING; THENCE N 16°25'35" W, A DISTANCE OF 55.00 FEET, TO THE POINT OF TERMINUS.

THE SIDELINES OF THE ABOVE DESCRIBED 15.00 WIDE STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET AND CONTAINS 826.00 SQUARE FEET, MORE OR LESS, OF PLATTED DRAINAGE EASEMENT.

SECTION TWO: That the City Clerk is hereby directed to file a certified copy of this ordinance with the County Clerk and the Register of Deeds of Johnson County, Kansas.

SECTION THREE: That this Ordinance shall take effect from and after its passage and publication as provided by law.

PASSED by the City Council this 16th day of April 2019.

SIGNED by the Mayor this 16th day of April 2019.

ATTEST:
Ci~7~
(Seal)
ORM:

City Clerk

(Seal)
APPROVED AS TO FORM:

City Attorney
EXHIBIT "A"

DRAINAGE EASEMENT VACATION

PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS AND BEING
PART OF THE N.E. 1/4 SECTION 33, T. 13 S., R. 23 E.,
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

DESCRIPTION:

ALL THAT PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF
OLATHE, JOHNSON COUNTY, KANSAS, BEING A 15.00 FOOT WIDE STRIP OF LAND BEING A PLATTED DRAINAGE
EASEMENT LABELED "& 15' D/E", LYING 7.50 FEET ON THE LEFT AND 7.5 FEET ON THE RIGHT OF THE FOLLOWING
DESCRIBED CENTERLINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N 89°43'02" E. ALONG THE SOUTH LINE OF SAID
LOT 4 AND THE NORTH RIGHT-OF-WAY OF DARTMOUTH STREET, AS NOW ESTABLISHED, A DISTANCE OF 105.02
FEET; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID
DARTMOUTH STREET ON A CURVE TO THE RIGHT SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND
HAVING A RADIUS OF 225.00 FEET, AN ARC DISTANCE OF 26.79 FEET TO THE POINT OF BEGINNING; THENCE N
16°25'35" W. A DISTANCE OF 55.00 FEET, TO THE POINT OF TERMINUS.

THE SIDELINES OF THE ABOVE DESCRIBED 15.00 WIDE STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED TO
TERMINATE ON THE SOUTH LINE OF SAID LOT 4 AND THE NORTH RIGHT-OF-WAY LINE OF SAID DARTMOUTH STREET
AND CONTAINS 826.00 SQUARE FEET, MORE OR LESS, OF PLATTED DRAINAGE EASEMENT.

I HEREBY CERTIFY THAT THIS REAL
PROPERTY LEGAL DESCRIPTION HAS
BEEN PREPARED BY ME OR UNDER
MY DIRECT SUPERVISION.

SCALE: 1"=40'

LOT 4,
THE SHOPS AT
PRAIRIE FARMS

DARTMOUTH STREET

N 89°43′02″E
105.02′

R = 225.00′
L = 26.79′

N 16°25′35″W
55.00′

POINT OF BEGINNING

POINT OF TERMINUS

POINT OF COMMENCING
SW COR. LOT 4, THE
SHOPS AT PRAIRIE FARMS

SOUTH LINE LOT 4, THE
SHOPS AT PRAIRIE FARMS

POINT OF W/R LINE DARTMOUTH STREET

PREPARED BY:

PHelps ENGINEERING, INC
1270 N. Winchester
Olathe, Kansas 66061
www.phelpsengineering.com

PLANNING
ENGINEERING
IMPLEMENTATION

CERClFICATE OF AUTHORIZATION KANSAS LAND
SURVEYING - LS-82
ENGINEERING - E-191
CERClFICATE OF AUTHORIZATION MISSOURI
LAND SURVEYING-2007001128
ENGINEERING-200705508

PROJECT NO. 180899
DATE: 1/14/2010

BY: DWJ
PDS DENTAL OFFICE
VAC19-0001
STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of
THE GARDNER NEWS  A weekly newspaper printed in the State of Kansas, and published in
and of general circulation in Johnson County, Kansas and that said newspaper is a bi-
weekly published at least weekly, 52 times a year; has been published continuously and
uninterruptedly in said county and state for a period of more than five years prior to the first
publication of said notice; and has been admitted at the post office in Gardner, Kansas in said
county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue
of said newspaper for 1 consecutive weeks(s).

The first publication there of being made as aforesaid on 4.24.2019

Publications being made on the following:

EDITOR

SUBSCRIBED AND SWORN TO ME THIS : 4/24/2019 9:06:26 AM

NOTARY PUBLIC

MY COMMISSION EXPIRES 5/11/22

COST--19 00

ADDITIONAL COPIES----------------

IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS---------------------------

The within Proof Of Publication approved

-----------

Public Notice

First published in The Gardner News Wednesday, April 24, 2019

PUBLICATION SUMMARY OF ORDINANCE NO. 19-13, PASSED BY THE
GOVERNING BODY OF THE CITY OF OLATHE, KANSAS ON THE 16th DAY
OF APRIL, 2019:

SUMMARY

On April 16, 2019, the Governing Body of the City of Olathe, Kansas passed Ordinance No. 19-13, vacating a utility easement located at 2180 W. Dartmouth Street. A petition for vacation was filed with the City on February 1, 2019. Proper notice of the vacation was provided and a public hearing regarding the vacation was held before the Planning Commission on March 25, 2019. The Planning Commission recommended approval of the vacation. The complete text of this ordinance may be obtained or viewed free of charge at the office of the Olathe City Clerk, Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas, or on the City's official website at http://www.olathecks.org/government/city- clerk/public-notices, where a reproduction of the original ordinance will be available for a minimum of one week following this summary publication.

This summary is certified this 17th day of April, 2019.

/s/ Rachelle R. Breckenridge
Rachelle R. Breckenridge
Assistant City Attorney