ORDINANCE NO. 19-73

AN ORDINANCE VACATING AN UTILITY EASEMENT LOCATED AT 407 EAST CEDAR STREET IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

WHEREAS, Olathe Unified School District #233, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain utility easement below described:

LOT 1 AND THE WEST 105 FEET OF LOT 3, MILLBROOKE, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

(hereinafter called “property”); and

WHEREAS, A petition for vacation (VAC19-0004) was filed with the City of Olathe, Kansas, on the 9th day of September 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 28th day of October 2019; and

WHEREAS, said Planning Commission has recommended that such utility 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 existing utility easement granted to the City of Olathe, Kansas, by a plat of Millbrooke, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

LOT 1 AND THE WEST 105 FEET OF LOT 3, MILLBROOKE, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

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 19th day of November 2019.

SIGNED by the Mayor this 19th day of November 2019.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

(Seal)

APPROVED AS TO FORM:

[Signature]
City Attorney
DESCRIPTION:
A 12 FOOT WIDE UTILITY EASEMENT BEING VACATED AND LOCATED ACROSS A PORTION OF LOT 1 AND LOT 3, MILLBROOKE, A SUBDIVISION IN THE CITY OF OLATHE, AS FILED IN BOOK 21 AT PAGE 61 RECORDED IN THE REGISTER OF DEEDS OFFICE, ALL IN JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY KENNETH J. DEDRICK, PE-1067 ON THIS 9TH DAY OF JULY, 2019 AS FOLLOWS:

ALL THAT PART OF A PLATTED 12 FOOT WIDE UTILITY EASEMENT AS BEING LOCATED IN SAID LOT 1 AND SAID LOT 3 OF MILLBROOKE.

THE DATA USED TO CREATE THIS DESCRIPTION WAS GATHERED BY FIELD SURVEY ON MAY 23, 2019.

CONTAINS 2,395 SQUARE FEET OR 0.055 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATION:
I, KENNETH J. DEDRICK, BEING A DUTY REGISTERED AND LICENSED LAND SURVEYOR IN THE STATE OF KANSAS, HEREBY CERTIFY THAT THIS REAL PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS CORRECT TO THE BEST OF MY BELIEF AND KNOWLEDGE.

KENNETH J. DEDRICK
KANSAS PS NO. 1067
dedrick@kven.com

EXHIBIT "A"
PROJECT #: C19_0238
UTILITY EASEMENT VACATION
OLATHE, KANSAS
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