

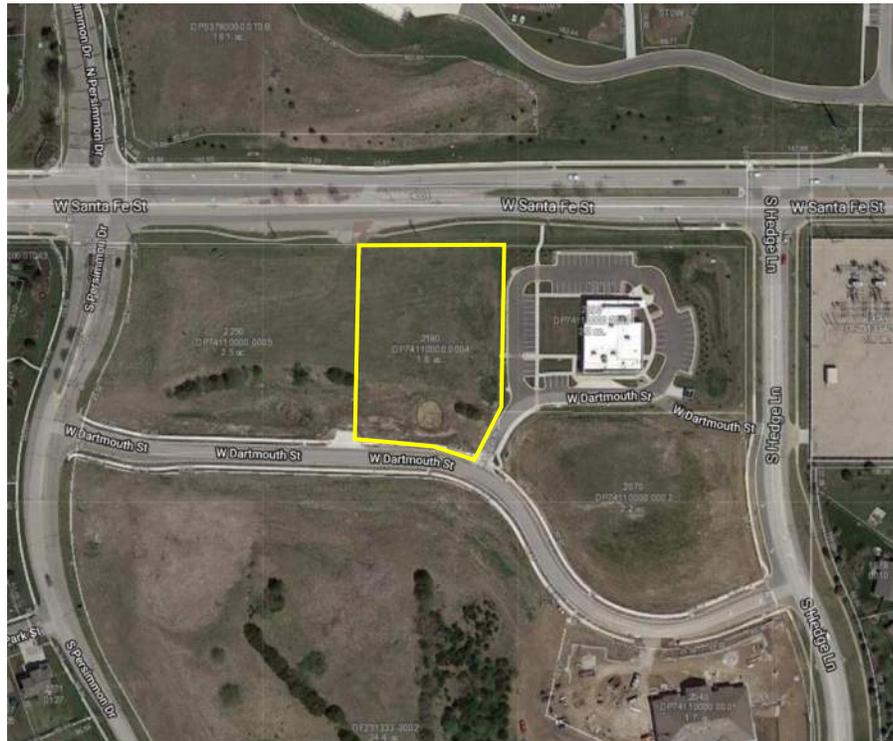
STAFF REPORT

Planning Commission Meeting: March 25, 2019

Application:	<u>VAC19-0001</u> Vacation of existing drainage easement (The Shops at Prairie Farms, Lot 4)
Location:	2180 Dartmouth Street
Owner/ Applicant:	Jeff Berg, HBA Olathe LLC
Engineer:	Roger E. Claar, DEV Inc.
Staff Contact:	Ginna Verhoff, Planning Intern

1. Introduction:

The following is a request to vacate a 15 – foot wide by 55 – foot long drainage easement located at 2180 Dartmouth Street. The subject property is located south of West Santa Fe Street and west of South Hedge Lane. As part of the final development plan (PR18-0062) for Pacific Dental Services within The Shops at Prairie Farms, the stormwater will be accommodated through Stormwater BMPs instead of the existing public storm sewer.



Aerial View of the Subject Property



View looking north from Dartmouth Street

2. **Public Notice:**

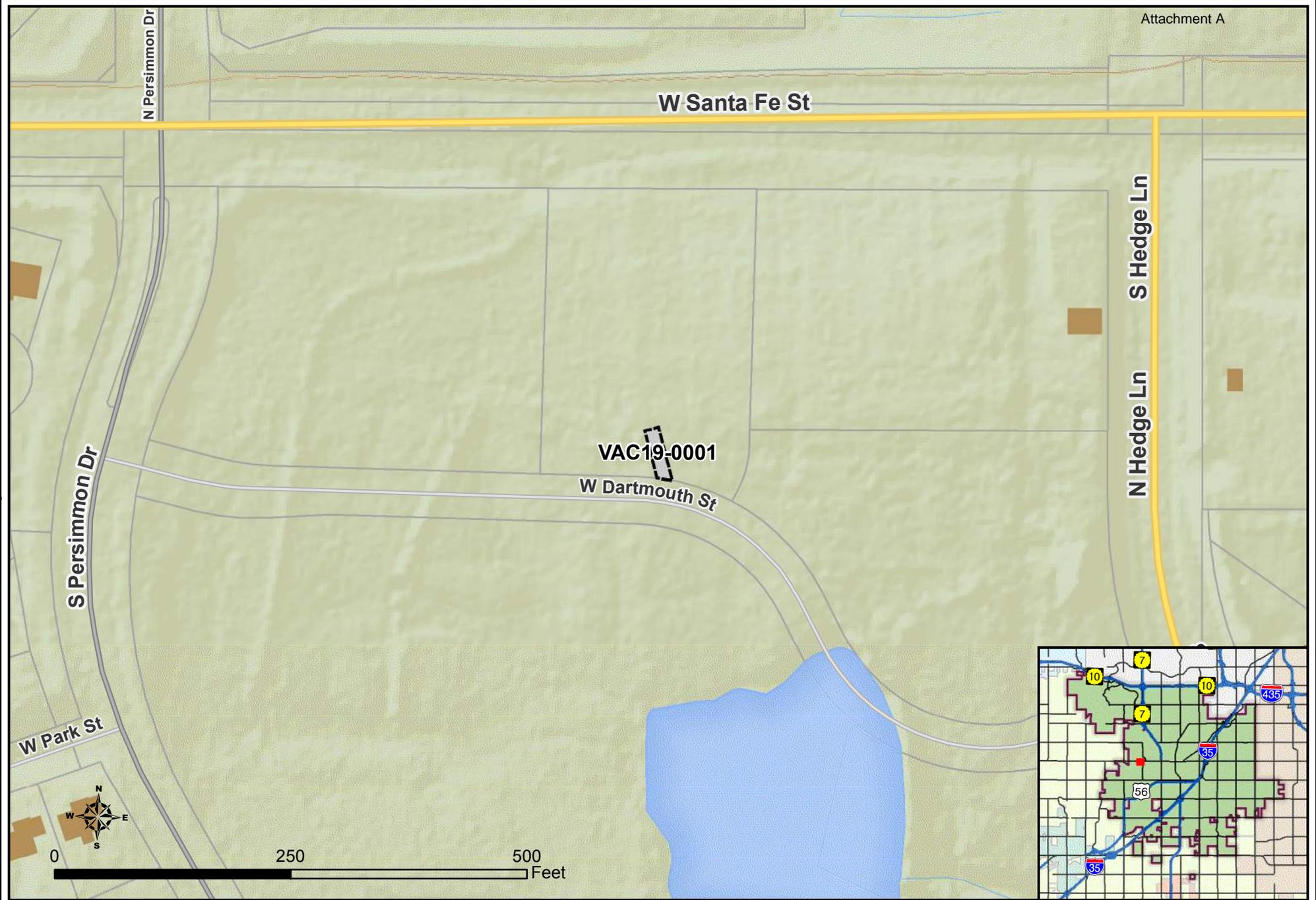
The applicant mailed the required public notification letters to surrounding properties within 200 feet per *Unified Development Ordinance* requirements. Staff has not received any concerns regarding the proposed vacation for the drainage easement.

3. **Utilities:**

The site is located within the City of Olathe water and sewer service area. The Public Works Department has reviewed the exhibits for the drainage easement vacation and recommends approval as proposed.

4. **Staff Recommendation:**

Staff recommends approval of the drainage easement vacation as proposed.



User: JaredMD
Date: 03/19/2019

PDS DENTAL OFFICE

VAC19-0001



EXHIBIT "A"

DRAINAGE EASEMENT VACATION

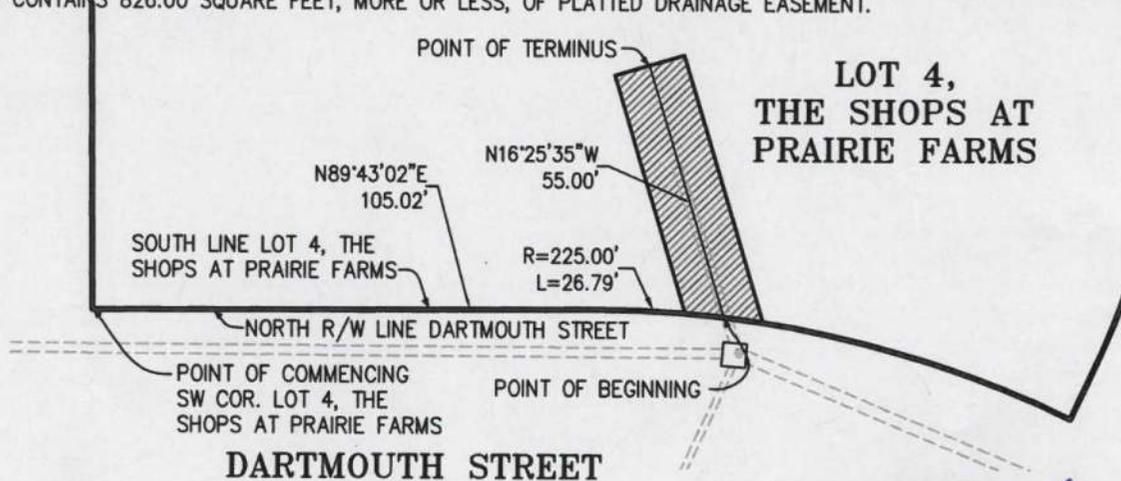
PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS AND BEING PART OF THE N.E. 1/4 SECTION 33, T. 13 S., R. 23 E., IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

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 "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.



SCALE: 1"=40'



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



\\PEI-SERVER\Projects\180899\Office\Easements\drainage vacation\drainage easement vacation.dwg Layout:1-P Jan 21, 2019 11:28am



PLANNING
ENGINEERING
IMPLEMENTATION

PHelps ENGINEERING, INC (913) 393-1155
1270 N. Winchester Fax (913) 393-1166
Olathe, Kansas 66061 www.phelpsenineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82
ENGINEERING - E-391
CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128
ENGINEERING-2007005058

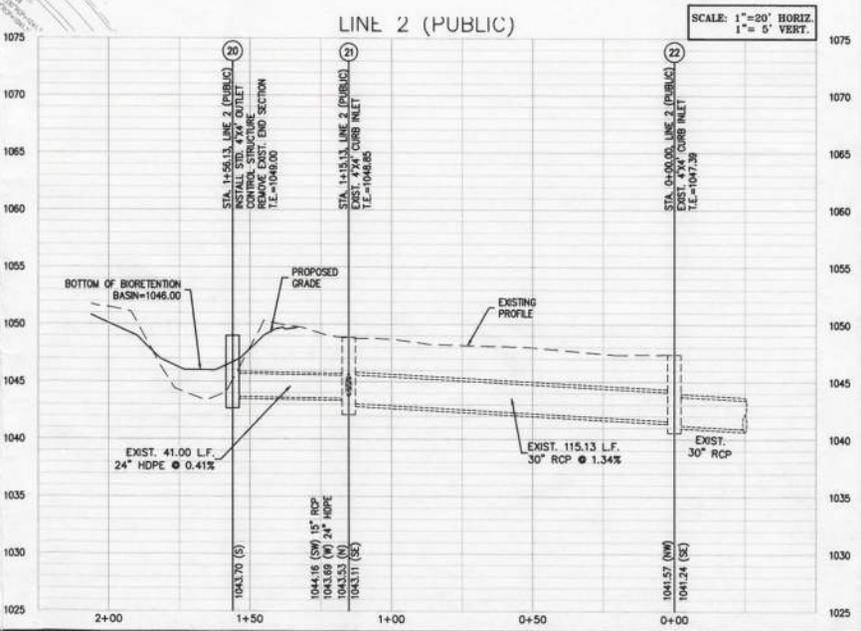
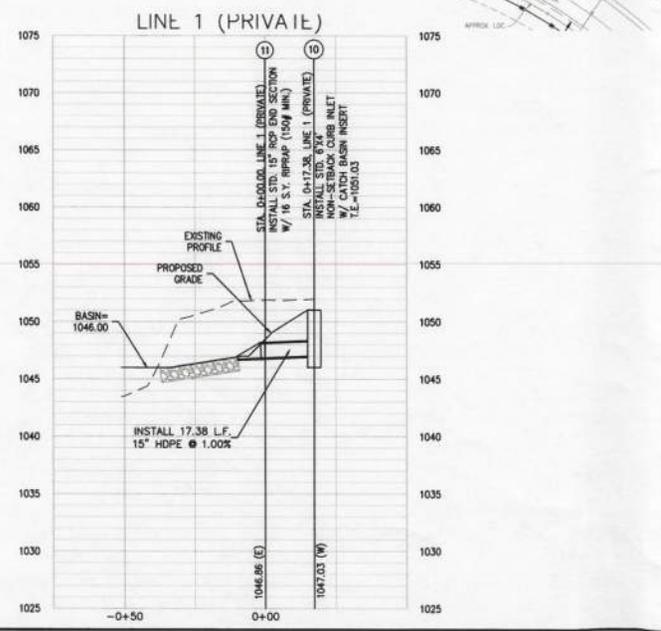
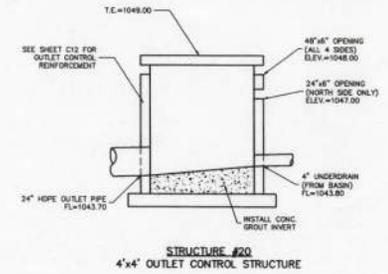
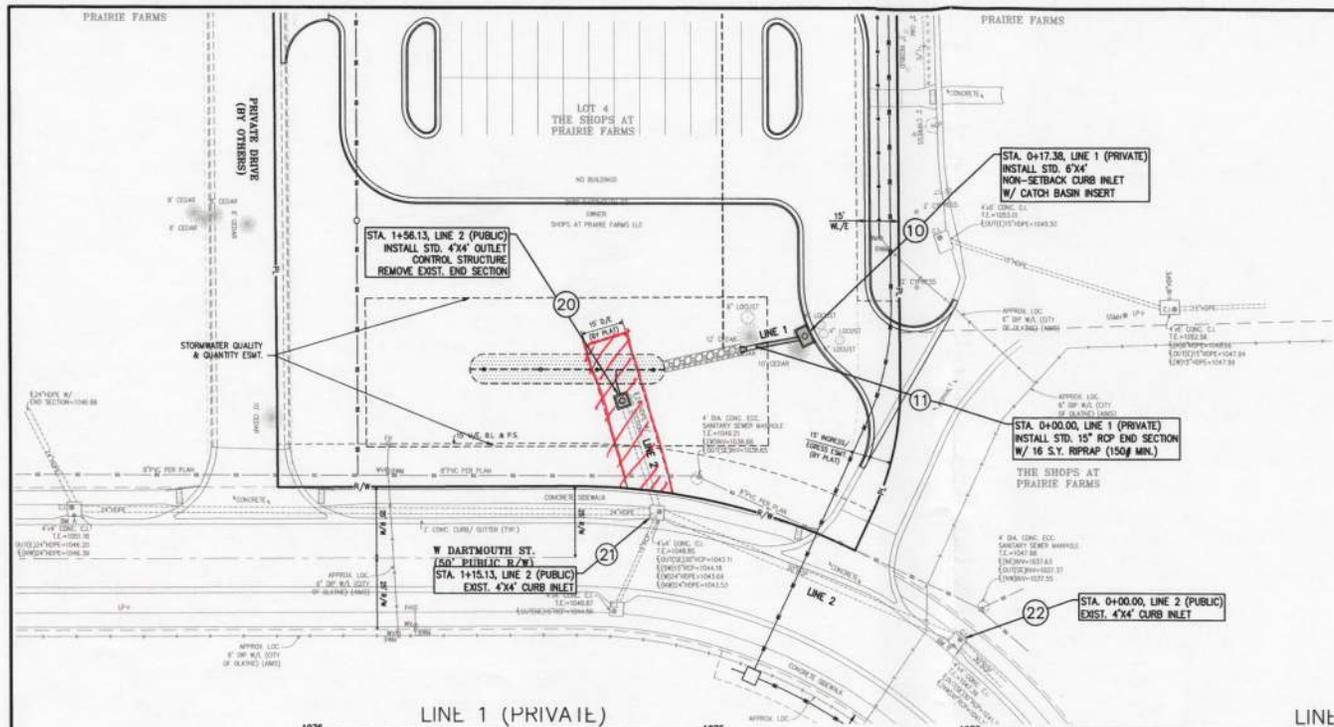
PROJECT NO. 180899
DATE: 1/14/2019
BY: DWJ



PAUL J. HESTER, INC.
 1000 W. 10th Street
 Topeka, Kansas 66604
 (785) 863-9999
 www.pauljhester.com

PLANNING
 ENGINEERING
 SURVEYING

STORM SEWER PLAN & PROFILE
 PACIFIC DENTAL SERVICES
 LOT 4, SHOPS AT PRAIRIE FARMS
 2180 W. DARTMOUTH ST. - OLA T.H.E., KANSAS



SCALE: 1"=20' HORIZ.
 1"=5' VERT.

PROJECT NO.	100000	DATE	REVISIONS
DATE	NOV 13 2018	DATE	
BY	JPH	DATE	
CHECKED BY	JPH	DATE	
APPROVED BY	JPH	DATE	

SHEET
C6

I:\Projects\2018\100000\100000.dwg (2018-11-13 10:00:00) User: jph Date: 11/13/18 10:00:00 AM



REVIEWED
 John A. Brantley by 1/16/17
 J. Brantley
 President/Chief Executive Officer
 Olathe Medical Center, Inc.
 1-9-17
 JOHNSON COUNTY SURVEYOR

FINAL PLAT
 OF

The Shops at Prairie Farms
 City of Olathe
 Johnson County, Kansas

Olathe High School No. 5

LEGAL DESCRIPTION

All that part of the Northeast Quarter of Section 33, Township 13, Range 23 in the City of Olathe, Johnson County, Kansas described as follows: Beginning at the Northeast Corner of said Section 33; thence South 1 degree 49 minutes 49 seconds East 89 degrees 43 minutes 01 seconds East of said Section 33, a distance of 874.34 feet; thence South 89 degrees 27 minutes 17 seconds West, a distance of 206.27 feet; thence North 86 degrees 51 minutes 56 seconds West, a distance of 220.72 feet; thence North 10 degrees 58 minutes 53 seconds East, a distance of 143.03 feet; thence North 37 degrees 13 minutes 03 seconds East, a distance of 15.00 feet; thence Northwesterly along a curve to the right, having a radius of 225.00 feet, an initial tangent bearing of North 52 degrees 40 minutes 59 seconds East, a central angle of 23 degrees 34 minutes 23 seconds, a distance of 92.57 feet; thence North 29 degrees 26 minutes 35 seconds West, a distance of 90.47 feet; thence Northwesterly along a curve to the left, having a radius of 175.00 feet, a central angle of 61 degrees 10 minutes 21 seconds, a distance of 188.34 feet; thence South 89 degrees 43 minutes 01 seconds West, a distance of 325.36 feet; thence South 85 degrees 06 minutes 00 seconds West, a distance of 68.65 feet; thence Easterly along a curve to the right, having a radius of 230.00 feet, a central angle of 17 degrees 22 minutes 34 seconds, a distance of 76.18 feet; thence North 77 degrees 26 minutes 26 seconds West, a distance of 63.66 feet to a point on the East right-of-way line of Freeman Drive as established on the Plat of Prairie Farms, a subdivision of land in the City of Olathe, Johnson County, Kansas; thence Northwesterly along a curve to the right, having a radius of 500.00 feet, an initial tangent bearing of North 7 degree 34 minutes 25 seconds East, a central angle of 17 degrees 15 minutes 25 seconds, a distance of 153.58 feet; thence continuing along said East right-of-way line, Northwesterly along a reverse curve to the left, having a radius of 350.00 feet, a central angle of 26 degrees 54 minutes 34 seconds, a distance of 164.35 feet; thence continuing along said East right-of-way line, North 1 degree 43 minutes 54 seconds West, a distance of 24.08 feet; thence North 88 degrees 15 minutes 16 seconds West, along the Northerly Line of said Prairie Farms, a distance of 100.00 feet; thence North 1 degree 43 minutes 54 seconds West, a distance of 26.79 feet; thence Northwesterly along a curve to the right, having a radius of 90.00 feet, an initial tangent bearing of North 77 degrees 26 minutes 26 seconds West, a distance of 100.00 feet; thence North 1 degree 43 minutes 54 seconds West, a distance of 26.79 feet to a point on the North line of the Northeast Quarter of said Section 33; thence North 88 degrees 15 minutes 16 seconds West, along the North line of the Northeast Quarter of said Section 33, a distance of 1140.93 feet to the point of beginning, containing 18.49 acres, more or less.

DEDICATION

The undersigned proprietors to the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "THE SHOPS AT PRAIRIE FARMS".

The undersigned proprietors of said property shown on this plat do hereby dedicate to public use and public view and thoroughfare, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, avenues, lanes, and alleys and hereinafter dedicated as such.

An easement to enter upon, locate, construct, use and maintain or authorize the location, construction, reconstruction, maintenance and use of sidewalks, conduits, water, gas, electrical, sewer, pipes, poles, wires, drainage facilities, ducts, cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Olathe, Kansas, and other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas to enter upon, construct, use and maintain or authorize the location, construction, reconstruction and use of conduits, pipes, surface drainage facilities, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Drainage Easement" or "D/E".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas for the purpose of constructing, rehabilitating, and maintaining a public sidewalk and appurtenant work in any part of the easement, including the right to repair, maintain and replace the sidewalk, and for any reconstruction and future expansion of such facility within the area of the easement is outlined and designated on this plat as "Sidewalk Easement" or "S/E".

An easement or license is hereby dedicated to the City of Olathe to install, construct, operate, inspect, alter, repair, replace, substitute, relocate, add to, remove and maintain a culvert, storm sewer, drainage ditch, drainage channel/water course or other drainage facility tributary connectors and appurtenant work in said easement including the right to clean, repair, replace and care for said drainage facilities in, on, over, under and through those areas designated as "Water Quality & Quantity Drainage Easement" or "WQ/QVE", together with the right of ingress and egress over and through said easement.

A perpetual easement is hereby reserved by and granted to all owners and occupants of the lots in this subdivision, their patrons, guests, invitees, utility companies and their representatives, emergency vehicles and personnel, to enter upon, over or across those areas outlined and designated on this plat as "Ingress-Egress Easement" or "I/E".

CONSENT TO LIFT

The undersigned proprietors of the above described land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of the special assessments on such land dedicated shall become and remain a lien on the remainder of the land fronting or abutting on such dedicated public ways or thoroughfares.

APPROVALS

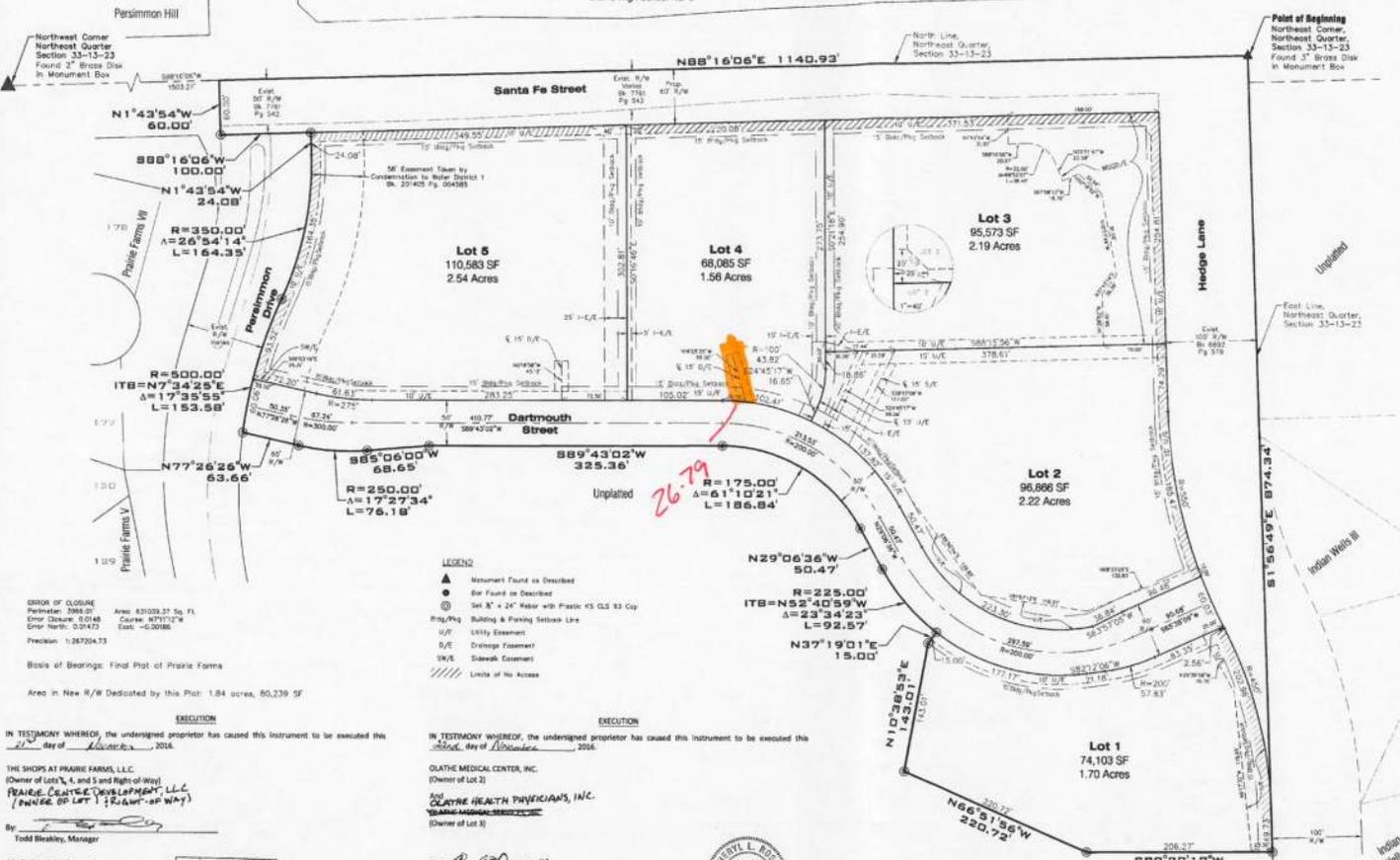
APPROVED BY the Planning Commission of the City of Olathe, Johnson County, Kansas, this 10th day of November, 2016.

By: [Signature] C.S. Voss, Chairman

APPROVED BY the Governing Body of the City of Olathe, Johnson County, Kansas, this 15th day of November, 2016.

By: [Signature] Michael H. Hooper, Mayor

Attest: [Signature] Donald J. Howell, City Clerk



- LEGEND
- ▲ Monument Found as Described
 - Set Found as Described
 - ⊙ Set 4" x 24" Rod with Plastic 1/2 CS CLS 8/32 Cap
 - ▭ Building & Parking Setback Line
 - U/E Utility Easement
 - D/E Drainage Easement
 - W/Q/QVE Water Quality & Quantity Drainage Easement
 - ////// Limits of the Access

ERROR OF CLOSURE
 Perimeter: 3988.02 Area: 83029.27 Sq. Ft.
 Error Closure: 0.0148 Error: MPT17.2" W
 Error North: 0.0142 Error East: -0.3086
 Precision: 1:28704.13

Basis of Bearings: Final Plat of Prairie Farms
 Area in New R/W Dedicated by this Plat: 1.84 acres, 90,239 SF

EXECUTION
 IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this 10th day of November, 2016.

THE SHOPS AT PRAIRIE FARMS, L.L.C.
 (Owner of Lots 1, 4, and 5 and Right of Way)
 PRAIRIE CENTRE DEVELOPMENT, L.L.C.
 (OWNER OF LOT 1; RIGHT OF WAY)
 By: [Signature] Todd Bleakley, Manager

STATE OF KANSAS)
) SS: [Signature]
 COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 10th day of November, 2016, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came TODD BLEAKLEY, Manager of THE SHOPS AT PRAIRIE FARMS, L.L.C. who is personally known to be the same person who executed the foregoing instrument of writing, and such person duly acknowledged the execution of the same for himself and for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.
 My Commission Expires: 3/31/2020 [Signature] Notary Public

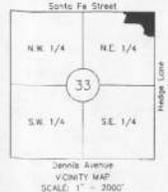
EXECUTION
 IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this 10th day of November, 2016.

OLATHE MEDICAL CENTER, INC.
 (Owner of Lot 2)
 AND
 Olathe Health Physicians, Inc.
 (Owner of Lot 3)
 By: [Signature] Frank M. Devockis, President/Chief Executive Officer

STATE OF KANSAS)
) SS: [Signature]
 COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 10th day of November, 2016, before me a Notary Public in and for said County and State, came FRANK M. DEVOCKIS, President/Chief Executive Officer of OLATHE MEDICAL CENTER, INC. and OLATHE MEDICAL SERVICES, INC., who is personally known to be the same person who executed the foregoing instrument of writing on behalf of said Corporations, and he duly acknowledged the execution of the same to be the act and deed of said Corporations.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.
 My Commission Expires: 11-20-2017 [Signature] Notary Public



AD
 CIVIL ENGINEERS
 LAND SURVEYORS - LAND PLANNERS
 1221 N. WATER STREET
 OLAATHE, KANSAS 66061
 PHONEX: (913) 764-1076
 FAX: (913) 764-8038

14 W. FLORIDA
 PALM AKA, KANSAS 66071
 PHONEX: (913) 857-1076
 FAX: (913) 857-8964