

AMENDMENT NO. 1 TO THE
INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLATHE, KANSAS AND WATER
DISTRICT NO. 1 OF JOHNSON COUNTY

This Amendment No. 1 (“Amendment”) to the Interlocal Agreement Between the City of Olathe, Kansas and Water District No. 1 of Johnson County dated August 17, 2004 (“Agreement”) is entered into this ____ day of October, 2024, by and between the City of Olathe, Kansas, a municipal corporation and Water District No. 1 of Johnson County, Kansas, a quasi-municipal corporation (each a “party”, and collectively the “parties”).

WHEREAS, the parties entered into the Agreement in 2004 covering the Forest View residential development to ensure water service was provided in the most efficient and cost effective manner; and

WHEREAS, a portion of the land in the Forest View residential development that was thought to be undevelopable has since been developed and should be added to the Agreement through Exhibit D;

NOW, THEREFORE, in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter contained, the parties hereto agree as follows:

- A. The first sentence of Article III, Section 2 is deleted and replaced with the following:
 - 2. OLATHE shall provide water services to that part of Forest View residential development as shown on Exhibits B, C, and D.
- B. The first sentence of Article III, Section 4 is deleted and replaced with the following:
 - 4. The parties acknowledge that under this Interlocal Agreement a portion of the area located within the boundaries of WATERONE will be located in the area where the water utility infrastructure is constructed and maintained by OLATHE as shown on Exhibits B, C, and D.
- C. The last sentence of Article IV is deleted and replaced with the following:

Olathe shall be responsible for financing that part of the water supply system in that area of Forest View designated in Exhibits B, C, and D.
- D. The last sentence of Article V is deleted and replaced with the following:

Each public agency will be solely responsible for the defense, indemnification, losses, costs, and expense rising out of any liability, or claim of liability for injury or damage to persons or property sustained or claimed to have been sustained by anyone whomever by reason of the construction, administration, operation, maintenance and/or use of the water infrastructure constructed by the respective public agency within the area which that public agency shall provide water service as identified in Exhibits A, B, C, and D.
- E. Exhibit D, attached to this Amendment No. 1, is hereby incorporated by reference into the Agreement.

Except as otherwise modified or amended by this Amendment, all other provisions of the Agreement remain unchanged and in full force and effect. In the event of any inconsistencies between this Amendment and the terms of the Agreement, the terms set forth in this Amendment shall govern and control.

IN WITNESS WHEREOF, the parties have duly executed this Amendment as a binding agreement as of the date set forth above.

City of Olathe, Kansas

By: _____
John Bacon
Mayor

ATTEST:

Brenda Swearingian, City Clerk

Approved as to form:

Ron Shaver Attorney for the City of Olathe

Water District No. 1 of Johnson County, Kansas

By: _____
Whitney Wilson
Board Chair

Approved as to form:

Allen C. Parker
Attorney for WaterOne

The foregoing Amendment was approved this ____ day of _____, 2024.

Attorney General

WATER SERVICE AREA AGREEMENT
EXHIBIT D

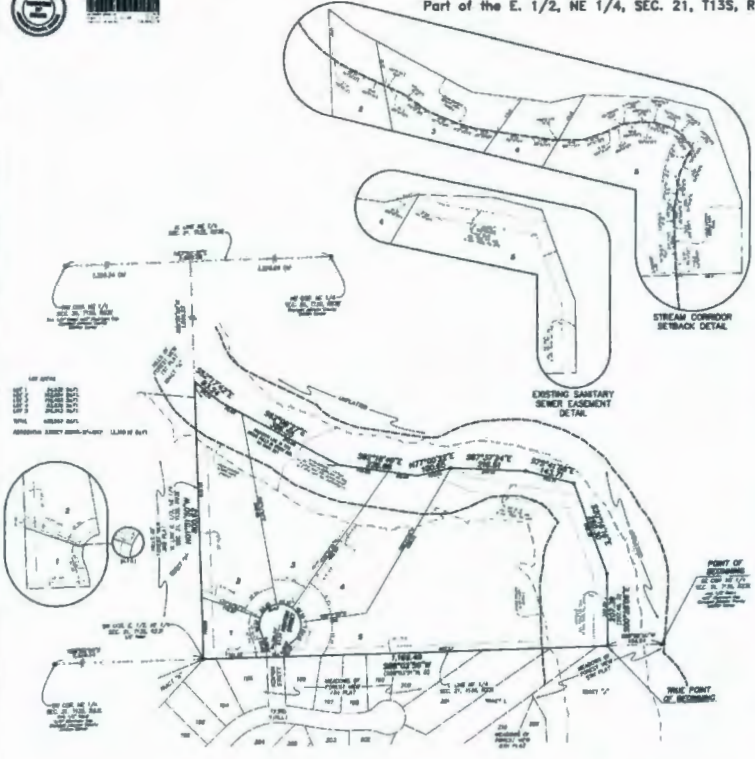
That tract of land in Johnson County, Kansas, platted as "Woods of Forest View," recorded in Book 201802 at Page 001990 in the Register of Deeds Office, Johnson County, Kansas, more particularly described as follows:

Beginning at the Southeast corner of the NE 1/4 of Section 21, T13S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 88°02'50" W, along the South line of said NE 1/4, a distance of 154.94 feet to the TRUE POINT OF BEGINNING; thence continuing S 88°02'50" W, along the South line of said NE 1/4 and also along the North line of Tract "J", MEADOWS OF FOREST VIEW, 5TH PLAT, a subdivision in the City of Olathe, Johnson County, Kansas and also along the North line of Tract L and Lots 201 through 194, MEADOWS OF FOREST VIEW, 7TH PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, a distance of 1,169.49 feet to the Southwest corner of the E 1/2 of said NE 1/4, said point also being the Southeast corner of Tract "F", HILLS OF FOREST VIEW, 3RD PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 01° 51'50" W, along the West line of the E 1/2 of said NE 1/4 and also along the East line of said Tract "F", a distance of 800.62 feet; thence S 52° 17'42" E a distance of 93.24 feet; thence S 62°09'27" E a distance of 386.55 feet; thence S 82°18'49" E a distance of 228.88 feet; thence N 77°00'22" E a distance of 100.65 feet; thence S 87°37'24" E a distance of 216.51 feet; thence S 75° 41'58" E a distance of 143.71 feet; thence S 20°16'16" E a distance of 280.30 feet; thence S 00°28'06" E a distance of 207.39 feet to the TRUE POINT OF BEGINNING, containing 14.99922 acres, more or less.



WOODS OF FOREST VIEW

Part of the E. 1/2, NE 1/4, SEC. 21, T13S, R23E



NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. THE STREAM CORRIDOR IS 50 FEET WIDE ON BOTH SIDES OF THE STREAM CENTERLINE.

3. THE SANITARY SEWER EASEMENT IS 10 FEET WIDE ON BOTH SIDES OF THE SEWER LINE.

4. ALL UTILITIES SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY.

5. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF JEFFERSON COUNTY.



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NO.	DESCRIPTION
1	EXISTING SANITARY SEWER EASEMENT
2	STREAM CORRIDOR SETBACK
3	UTILITY LINES (WATER, GAS, ELECTRIC)
4	PROPERTY BOUNDARIES
5	ADJACENT PROPERTIES

This is a plan and part of a map for the E. 1/2 of the NE 1/4 of Section 21, T13S, R23E of the State of Missouri, Jefferson County, Missouri, and is intended to show the location of the stream corridor and sanitary sewer easement. The stream corridor is 50 feet wide on both sides of the stream centerline. The sanitary sewer easement is 10 feet wide on both sides of the sewer line. The plan also shows the location of utility lines and property boundaries. The plan is intended to be used for the purpose of obtaining permits from the City of Jefferson County.

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James A. Johnson
Professional Engineer
State of Missouri
No. 12345
Exp. 12/31/2025

APPROVED BY THE BOARD OF ENGINEERS OF THE STATE OF MISSOURI

APPROVED BY THE CITY OF JEFFERSON COUNTY

APPROVED BY THE BOARD OF HEALTH OF THE CITY OF JEFFERSON COUNTY

Prepared by James A. Johnson, P.E.
No. 12345
Exp. 12/31/2025

Reviewed by James A. Johnson, P.E.
No. 12345
Exp. 12/31/2025



WOODS OF FOREST VIEW
SEC. 21, T13S, R23E
JEFFERSON COUNTY, MISSOURI

James A. Johnson P.E.
Professional Engineer
State of Missouri
No. 12345
Exp. 12/31/2025