

ORDINANCE NO. 19-04

AN ORDINANCE VACATING PUBLIC EASEMENTS LOCATED AT 1234 E SANTA FE STREET IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

WHEREAS, QuickTrip Corporation, does petition the City Council of the City of Olathe, Kansas, for the vacating of certain public easements as identified below:

All that part of the Utility Easement described in Document No. 11907417, in Book 1386 at Page 943, lying in Lot 1, QUIKTRIP STORE NO. 0182R, a subdivision in Olathe, Johnson County, Kansas, being more particularly described as follow:

Commencing at the Northeast corner of aforesaid Lot 1, also being a point on the West right-of-way of North Ridgeview Road, as now established; thence S02°09'44"E, along the East line of said Lot 1, also being the West right-of-way of Ridgeview Road, as now established, a distance of 190.33 feet to the Point of Beginning; thence continuing S02°09'44"E, along the East line of said Lot 1 and the West line of said Ridgeview Road, a distance of 20.00 feet; thence S87°35'46"W, a distance of 235.00 feet to a point on the West line of said Lot 1; thence N02°09'44"W, along the West line of said Lot 1, a distance of 20.00 feet; thence N87°35'46"E, a distance of 235.00 feet to the Point of Beginning.

Containing 4,700 square feet, more or less.

All that part of the Storm Water Drainage Easement described in Document No. 958339, in Book 919 at Page 508 and Document 963426 in Book 928 at Page 804, lying in Lot 1, QUIKTRIP STORE NO. 0182R, a subdivision in Olathe, Johnson County, Kansas, being more particularly described as follow:

Commencing at the Northeast corner of aforesaid Lot 1, also being a point on the West right-of-way of North Ridgeview Road, as now established; thence S02°09'44"E, along the East line of said Lot 1, also being the West right-of-way of Ridgeview Road, as now established, a distance of 210.86 feet; thence S87°50'16"W, a distance of 127.17 feet to the Point of Beginning; thence S02°24'14"E, 39.50 feet; thence S87°35'46"W, a distance of 30.00 feet; thence N02°24'14"W, 39.50 feet; thence N87°35'46"E, a distance of 30.00 feet to the Point of Beginning.

Containing 1,185 square feet, more or less.

All that part of the Drainage Easement described in Document No. 1724177, in Book 2627 at Page 638, lying in Lot 1, QUIKTRIP STORE NO. 0182R, a subdivision in Olathe, Johnson County, Kansas, being more particularly described as follow:

Commencing at the Northeast corner of aforesaid Lot 1, also being a point on the West right-of-way of North Ridgeview Road, as now established; thence S87°50'16"W, along the North line of said Lot 1, a distance of 98.00 feet to the Point of Beginning; thence S 10°37'57"W, a distance of 75.65 feet; thence S87°18'55"W, a distance of 25.00 feet; thence N02°21'13", W, a distance of 74.00 feet to a point on the North line of said Lot 1; thence N87°50' 16"E, along the North line of said Lot 1, a distance of 42.00 feet to the Point of Beginning.

Containing 2,474 square feet, more or less.

(hereinafter called "property"); and

WHEREAS, A petition for vacation (VAC18-0005) was filed with the City of Olathe, Kansas, on the 21st day of November 2018; 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 14th day of January 2019; and

WHEREAS, said Planning Commission has recommended that such public easements 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 these public easements are 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 public easements granted to the City of Olathe, Kansas, by a plat of QUICKTRIP STORE NO. 0182R in the City of Olathe, Johnson County, Kansas, is hereby vacated:

All that part of the Utility Easement described in Document No. 11907417, in Book 1386 at Page 943, lying in Lot 1, QUICKTRIP STORE NO. 0182R, a subdivision in Olathe, Johnson County, Kansas, being more particularly described as follow:

Commencing at the Northeast corner of aforesaid Lot 1, also being a point on the West right-of-way of North Ridgeview Road, as now established; thence S02°09'44"E, along the East line of said Lot 1, also being the West right-of-way of Ridgeview Road, as now

established, a distance of 190.33 feet to the Point of Beginning; thence continuing S02°09'44"E, along the East line of said Lot 1 and the West line of said Ridgeview Road, a distance of 20.00 feet; thence S87°35'46"W, a distance of 235.00 feet to a point on the West line of said Lot 1; thence N02°09'44"W, along the West line of said Lot 1, a distance of 20.00 feet; thence N87°35'46"E, a distance of 235.00 feet to the Point of Beginning.

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Containing 2,474 square feet, more or less.

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 vacation of public utility easements is approved as described in the attached exhibits.

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

PASSED by the City Council this 5th day of February 2019.

SIGNED by the Mayor this 5th day of February 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney