

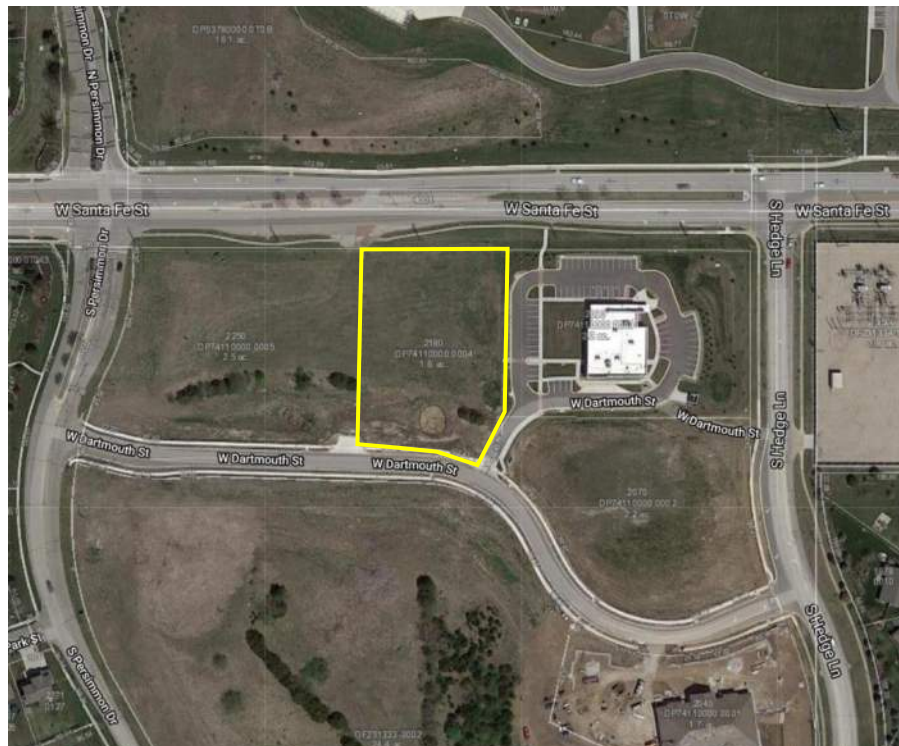
## STAFF REPORT

Planning Commission Meeting: March 25, 2019

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

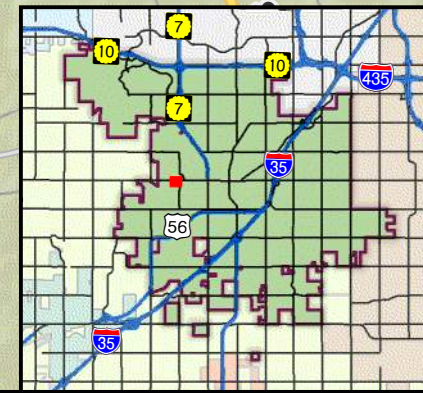
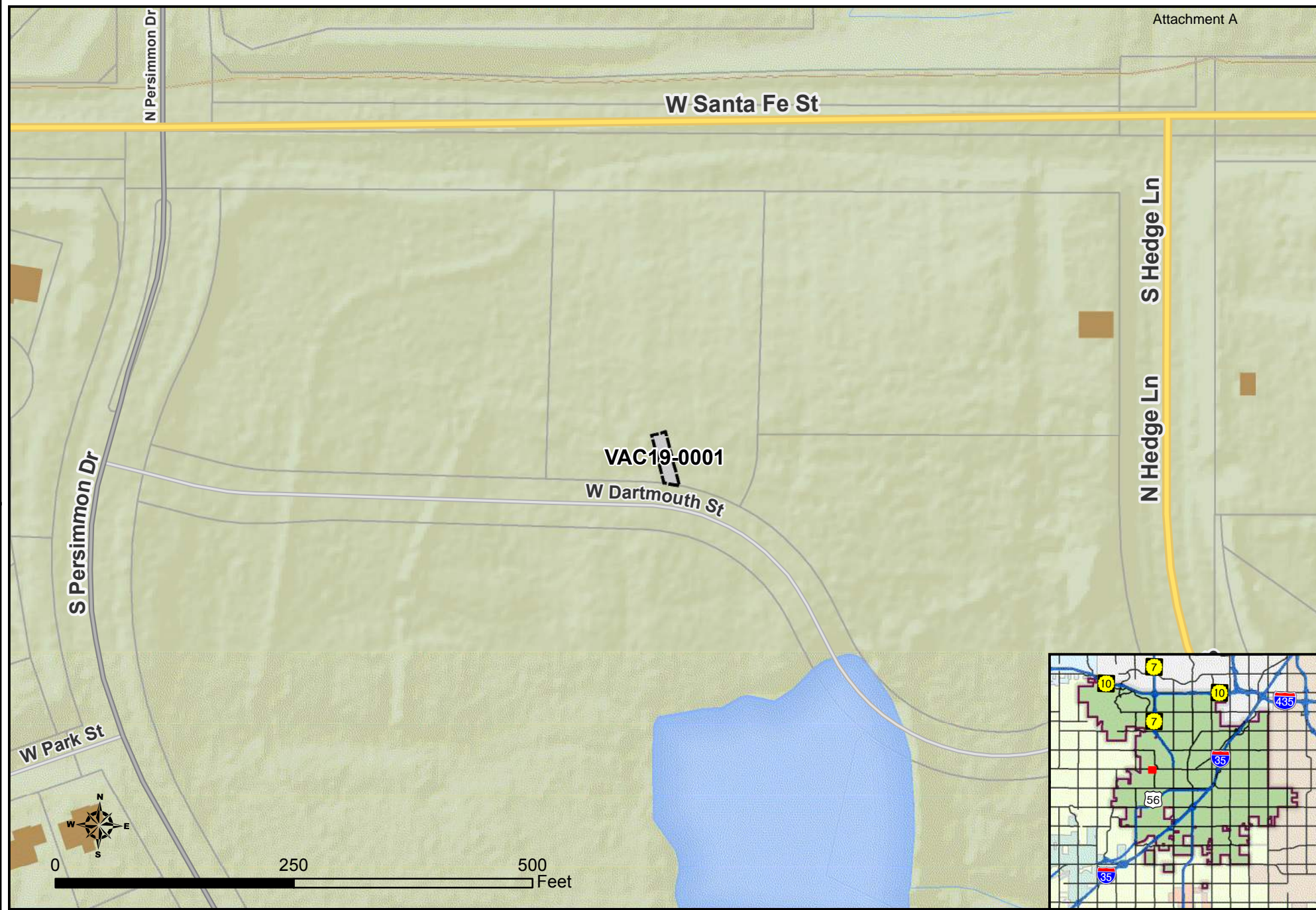
**3. Utilities:**

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

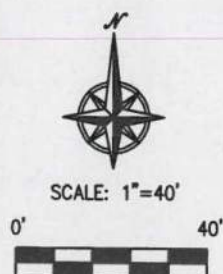
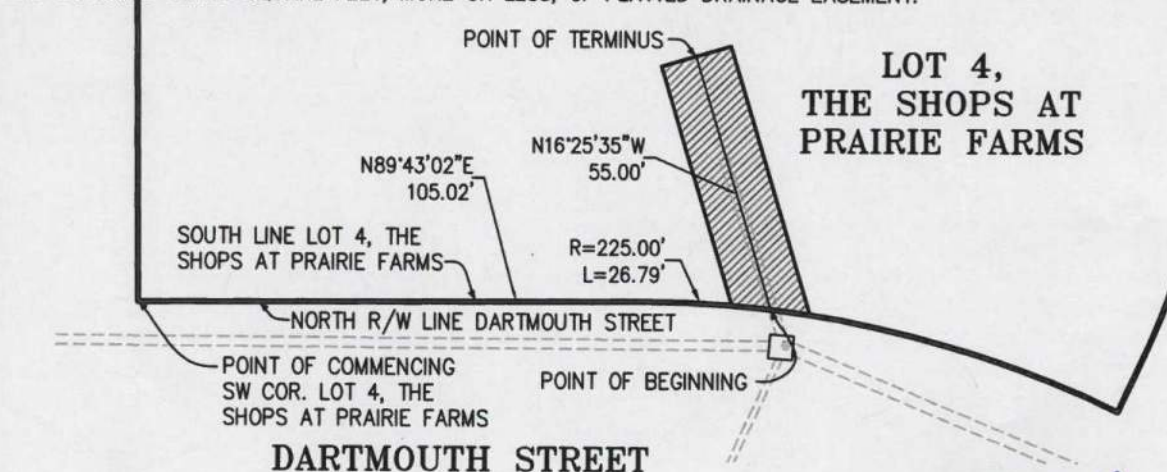
### PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS AND BEING PART OF THE N.E. 1/4 SECTION 33, T. 13 S., R. 23 E., IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

**DESCRIPTION:**

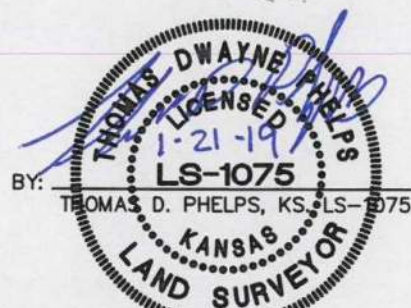
ALL THAT PART OF LOT 4, THE SHOPS AT PRAIRIE FARMS, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING A 15.00 FOOT WIDE STRIP OF LAND BEING A PLATTED DRAINAGE EASEMENT LABELED "C 15' D/E", LYING 7.50 FEET ON THE LEFT AND 7.5 FEET ON THE RIGHT OF THE FOLLOWING DESCRIBED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



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



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



PLANNING  
ENGINEERING  
IMPLEMENTATION

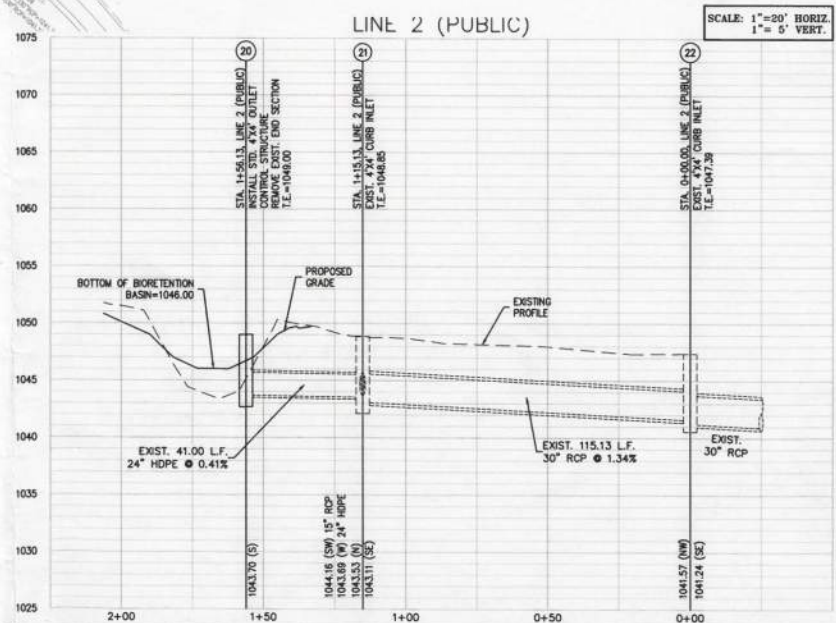
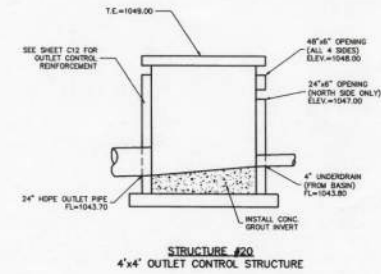
**PHELPS ENGINEERING, INC** (913) 393-1155  
1270 N. Winchester Fax (913) 393-1166  
Olathe, Kansas 66061 www.phelpsenengineering.com

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



PROJECT NO.	Date	Revisions	By	App.
DALE D-10-18 (SMALL) 9646				
CHECKED BY APPROVED ACC				
SIGNATURE OF ARCHITECT				
DATE 10/17/96				
CERTIFICATE OF AUTHORIZATION				
DATE 10/17/96				
SIGNATURE OF ARCHITECT				
DATE 10/17/96				





REVIEWED  
by David L. Blevins DATE 11/16/17  
Signature David L. Blevins  
David L. Blevins, L.S.  
11-9-17  
JOHNSON COUNTY SURVEYOR

# FINAL PLAT OF

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

Olathe High School No. 5



ERROR OF CLOSURE  
Perimeter: 3988.03  
Error Closure: 0.0148  
Error Ratio: 0.0047  
Precision: 1:87504.73  
Basis of Bearings: First Plat of Prairie Farms  
Area in N & W R/W Dedicated by this Plat: 1.84 acres, 80,239 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, 2, 3, 4, and 5 and Right-of-Way)  
PRAIRIE CENTRE DEVELOPMENT, L.L.C.  
(OWNER OF LOT 1; RIGHT-OF-WAY)  
By: Todd Blevins, Manager

STATE OF KANSAS )  
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 BLEVINS, 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 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  
David L. Blevins  
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)  
OLATHE HEALTH SERVICES, INC.  
(Owner of Lot 3)  
By: Frank M. Devocelle, President/Chief Executive Officer

STATE OF KANSAS )  
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. DEVOCELLE, President/Chief Executive Officer of OLATHE MEDICAL CENTER, INC. and OLATHE HEALTH SERVICES, INC., who is personally known to me 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  
David L. Blevins  
Notary Public

**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 10 minutes 49 seconds East, a distance of 144.03 feet; thence North 89 degrees 43 minutes 02 seconds East, a distance of 174.34 feet; thence South 89 degrees 27 minutes 17 seconds West, a distance of 206.27 feet; thence North 89 degrees 51 minutes 56 seconds West, a distance of 220.72 feet; thence North 10 degrees 18 minutes 53 seconds East, a distance of 144.03 feet; thence North 37 degrees 19 minutes 01 seconds East, a distance of 15.00 feet; thence Northwesterly along a curve to the right, having a radius of 125.00 feet, an initial tangent bearing of North 51 degrees 40 minutes 29 seconds West, a central angle of 23 degrees 34 minutes 23 seconds, a distance of 82.57 feet; thence North 29 degrees 26 minutes 35 seconds West, a distance of 50.47 feet; thence Northwesterly along a curve to the left, having a radius of 175.00 feet, a central angle of 41 degrees 10 minutes 21 seconds, a distance of 188.34 feet; thence South 89 degrees 43 minutes 02 seconds West, a distance of 325.36 feet; thence South 89 degrees 04 minutes 00 seconds West, a distance of 58.65 feet; thence Easterly along a curve to the right, having a radius of 250.00 feet, a central angle of 17 degrees 27 minutes 34 seconds, a distance of 76.18 feet; thence North 77 degrees 28 minutes 28 seconds West, a distance of 44.64 feet to a point on the East right-of-way line of Persimmon 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 14 minutes 14 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 South 88 degrees 16 minutes 06 seconds West, along the Northwesterly line of said Prairie Farms, a distance of 100.00 feet; thence North 1 degree 43 minutes 54 seconds West, a distance of 60.00 feet to a point on the North line of the Northeast Quarter of said Section 33; thence North 89 degrees 16 minutes 06 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 14.49 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 ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, driveways, lanes, and all other improvements dedicated as such.

An easement to enter upon, locate, construct, use, and maintain or authorize the location, construction, maintenance and use of sidewalks, conduits, water, gas, electrical, sewer, pipes, poles, wires, drainage facilities, ditches, 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 or maintenance and use of conduits, wires, 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, using, installing, 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/W/E".

An easement or license is hereby dedicated to the City of Olathe to lay, 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 roadway 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 LAY**

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 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: C.S. Vukobratovic  
C.S. Vukobratovic, Chairman

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

By: Michael R. Hargrove  
Michael R. Hargrove, Mayor

Attest: Donald J. Howell  
Donald J. Howell, City Clerk

**NOTARY PUBLIC**

THIS IS TO CERTIFY THAT ON THE 10TH DAY OF NOVEMBER, 2016, THIS FIELD SURVEY WAS COMPLETED ON THE GROUND BY ME OR UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.A.R. 66-6-1.

**THE SHOPS AT PRAIRIE FARMS**

**CIVIL ENGINEERS  
LAND SURVEYORS - LAND PLANNERS**

1221 N. WATER STREET  
OLATHE, KANSAS 66061  
PHONE: (913) 764-1076  
FAX: (913) 764-8038

14 W. PLORIA  
PAIDEN, KANSAS 66071  
PHONE: (913) 857-1076  
FAX: (913) 857-8964

**AD PROJECT #31487 33-12-23 FINAL PLAT**