

RESOLUTION NO. 19-1058

A RESOLUTION ACCEPTING A PLAN REVIEW FOR AN ELEVATED WATER TANK SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. PR19-0016 was filed with the City of Olathe, Kansas, on the 5th day of July 2019; and

WHEREAS, said Application requested that the Governing Body of the City of Olathe, Kansas, accept a plan review to establish an Elevated Water Tank on the following described property:

Subject to all easements and restrictions of record and excepting all mineral rights, the fee simple absolute interest in a tract of land being located in the northeast quarter of section 10, township 13 south, range 23 east of the sixth principal meridian, in Johnson County, Kansas, more particularly described as follows: commencing at the northeast corner of said northeast quarter; thence south 88° 02' 17" west, along the north line of said northeast quarter, a distance of 2606.02 feet to a point also being the northwest corner of the northeast quarter of said section 10; thence south 01° 49' 45" east along the west line of the northeast quarter of said section 10, a distance of 360.80 feet to a point being on the south right-of-way line of K-10 Highway, said point also being the northwest corner of a tract of land conveyed in deed book 5261 page 291, identified as tract II of exhibit A thereof, recorded at the Register of Deeds Office in Johnson County, Kansas, and the point of beginning; thence south 89° 41' 31" east, along the south right-of-way line of K-10 Highway a distance of 161.24 feet; thence north 88° 06' 15" east, continuing along said south right-of-way line a distance of 314.46 feet; thence south 01° 49' 45" east a distance of 450.00 feet; thence south 88° 06' 15" west a distance of 475.60 feet to a point being on the west line of the northeast quarter of said section 10; thence north 01° 49' 45" west along the west line of the northeast quarter of said section 10 a distance of 456.20 feet to the point of beginning, containing 214,519 square feet or 4.92 acres more or less.

WHEREAS, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 12th day of August 2019; and

WHEREAS, the Planning Commission of the City of Olathe, Kansas, has recommended that the plan review be accepted; and

WHEREAS, the Governing Body is of the opinion that such plan review should be accepted subject to the conditions set out herein.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: That Application No. PR19-0016 requesting the acceptance of a plan review to establish an Elevated Water Tank, on the previously described property, which is presently zoned as CTY RUR, is hereby accepted.

SECTION TWO: That this plan review is accepted and granted upon the following stipulations and in conformance with the Unified Development Ordinance:

- (1) The development shall be maintained in accordance with the provisions and requirements of the Intergovernmental Agreement signed September 3, 2013 and recorded with the Register of Deeds of Johnson County, Kansas in BK 201408 PG 008024.
- (2) WaterOne will participate in future roadway access improvements determined when future development plans are prepared as identified in the August 5, 2019 letter WaterOne sent to the City of Olathe (Exhibit A).
- (3) Wireless communication facilities including towers or antennae located outside any building shall only be allowed by separate approval of the City of Olathe.
- (4) Any buildings and accessory structures must be approved by the City of Olathe and in accordance with the requirements of the Intergovernmental Agreement.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the Council this 17th day of September 2019.

SIGNED by the Mayor this 17th day of September 2019.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A



*Setting the Standard for
Utility Excellence*

Water District No. 1 of Johnson County

August 5, 2019

Kim Hollingsworth
Senior Planner
City of Olathe
100 E Santa Fe St
Olathe, KS 66061

Rc: K7/K10 Elevated Tank Access Road – PR19-0016: Final Development Plan for WaterOne Elevated
Water Tank
WaterOne PN: MP-18002

Dear Ms. Hollingsworth:

This letter is in response to your email correspondence to Burns & McDonnell on August 1, 2019 requesting that WaterOne outline plans for future participation in providing access to the K7/K10 Elevated Tank site. The site plan submitted to the City's Development Review committee (DRC) on July 3, 2019 shows access to WaterOne's property by travelling north on S. Lone Elm Road continuing west on W. 103rd Terrace, portions of which are located on City right-of-way, KDOT right-of-way, and on property owned by ALDI Inc. WaterOne intends to improve this access road to a condition suitable for construction traffic, intermittent access by WaterOne, and for access by emergency responders; however, finds that paving this road is not a prudent use of public dollars given the uncertainty of the future widening of Highway K-10 (Gateway Project) and future development of surrounding property by ALDI Inc.

WaterOne intends on improving the existing access road with 8 inches of KDOT AB-3 aggregate to meet truck load requirements of 75,000 pounds for Fire Safety Vehicles with the layout and alignment as shown on the submitted site plan. A gate on S. Lone Elm Road currently limits access to the property to the City, KDOT, ALDI Inc., and emergency responders by means of daisy-chained locks and will remain along with addition of a Knox Box. The general public does not have access to this road; therefore, WaterOne is uncertain as to why the City believes it should meet public road paving standards. Paving of this access road may encourage public access potentially leading to illegal dumping on the undeveloped property which already appears to be problematic.

At this time, given the speculative nature of the development surrounding the WaterOne property, WaterOne will work with ALDI Inc. as plans for future development are prepared, future site access will be negotiated, and improvements will be made in accordance with ALDI Inc.'s future development.

Please let me know if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle Wirth", written over a blue ink stamp.

Michelle Wirth, P.E.
Director of Production
WaterOne

cc: Eric Arner, General Counsel, WaterOne