

**ORDINANCE NO. 19-54**

**AN ORDINANCE VACATING A SANITARY EASEMENT LOCATED IN OLATHE COVENANT CHURCH A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS**

**WHEREAS**, Olathe SLP LLC, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain utility easement below described:

A PLATTED 7.5 FOOT UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

ALL OF THE EAST 7.5 FEET OF LOT 1, OLATHE COVENANT CHURCH, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, RECORDED IN BOOK 54 AT PAGE 43.

AND ALSO:

PART OF AN 8 FOOT UTILITY EASEMENT IN THE SE 1/4 OF THE SE 1/4 OF SECTION 5, T 14S, R 24E, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, RECORDED IN BOOK 1466 AT PAGE 364, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

ALL OF THE WEST 8.0 FEET OF THE SOUTH 480.0 OF THE SAID SE 1/4 OF THE SE 1/4 OF SECTION 5, T 14S, R 24E.

(hereinafter called "property"); and

**WHEREAS**, A petition for vacation (VAC19-0003) was filed with the City of Olathe, Kansas, on the 24th day of June 2019; 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 12th day of August 2019; and

**WHEREAS**, said Planning Commission has recommended that such utility easement 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 the sni easement is 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 sanitary easement granted to the City of Olathe, Kansas, by a plat of Benton House of Olathe, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

A PLATTED 7.5 FOOT UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

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ALL OF THE WEST 8.0 FEET OF THE SOUTH 480.0 OF THE SAID SE 1/4 OF THE SE 1/4 OF SECTION 5, T 14S, R 24E.

**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 Ordinance shall take effect from and after its passage and publication as provided by law.

**PASSED** by the City Council this 17<sup>th</sup> day of September 2019.

**SIGNED** by the Mayor this 17<sup>th</sup> day of September 2019.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney