



City of Olathe  
Planning Division

## STAFF REPORT

Planning Commission Meeting: July 22, 2019

|                       |   |
|-----------------------|---|
| <b>Application:</b>   | <b><u>VAC19-0002</u></b> Request for vacation of public utility easements for Garmin Properties |
| <b>Location:</b>      | 1200 E. 151 <sup>st</sup> Street  |
| <b>Owner:</b>         | Patrick Desbois, Garmin Realty, LLC   |
| <b>Applicant:</b>     | Judd Claussen, Phelps Engineering, Inc.   |
| <b>Staff Contact:</b> | Sean Pendley, Senior Planner  |

### 1. Comments:

This is a request to vacate four public utility easements for Garmin Properties located at 1200 E. 151<sup>st</sup> Street. The subject easements are no longer needed following relocation of utilities for the warehouse building on the subject property.



(Site map with easements to be vacated)

There are four easements that need to be vacated; a waterline easement, two sanitary sewer easements and part of a drainage easement. The utilities have been relocated and the required easements have been accepted. As a result, the subject easements are no longer required.

2. **Public Notice:**

Public notice is required to surrounding properties within 200 feet of the subject property per Unified Development Ordinance (UDO) requirements. The proposed easements for vacation are located within the interior of the site and over 200 feet away from any property lines. Therefore, a public notice letter is not required in this case. There is also no effect on public utilities for the surrounding properties.

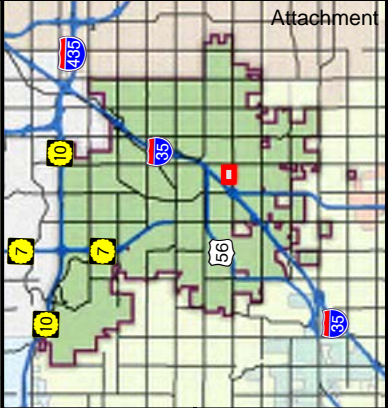
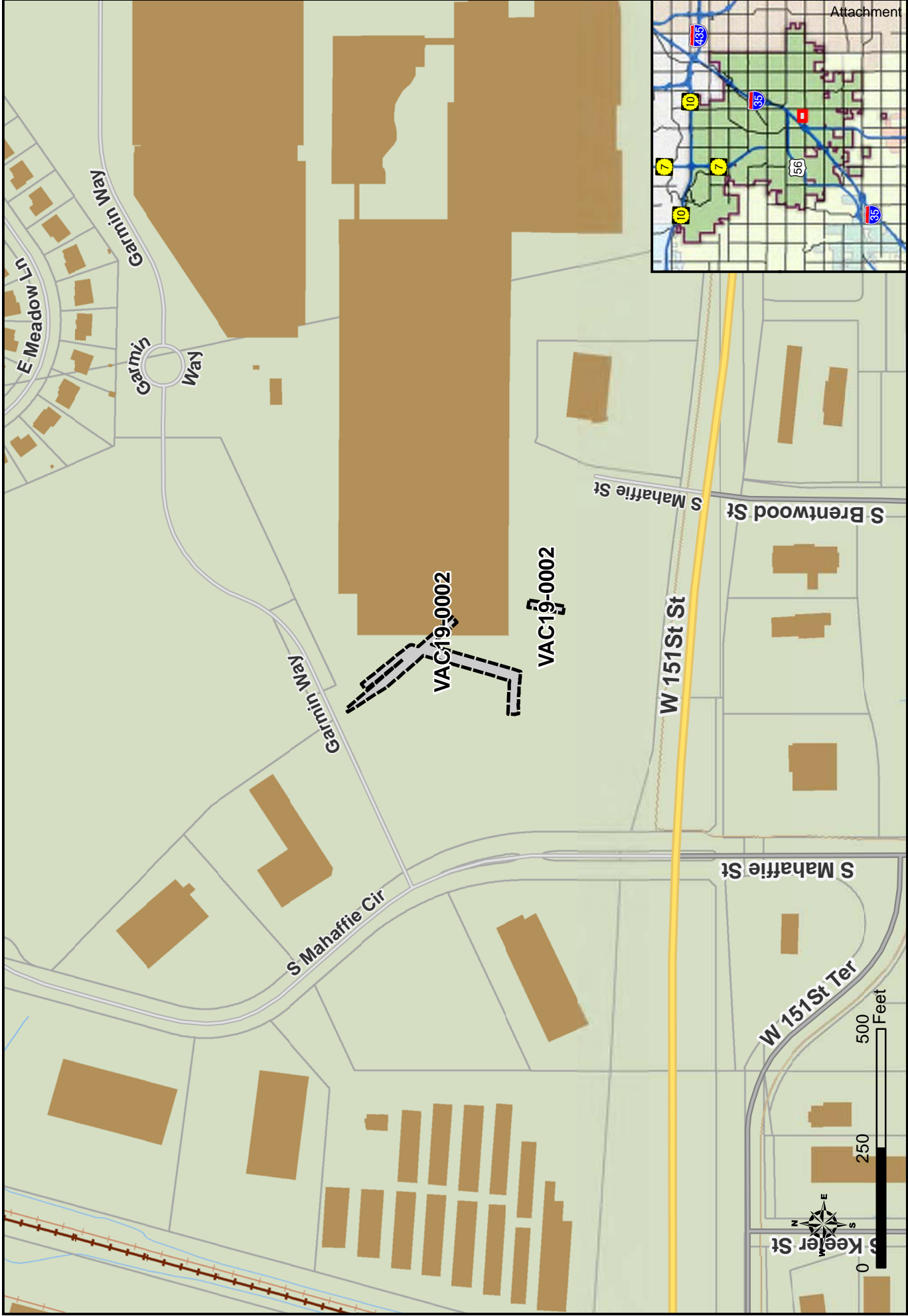
The easements are dedicated exclusively for public utilities so private utility sign-off letters are not required.

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 water, sanitary sewer and drainage easement vacation and recommends approval as shown.

4. **Staff Recommendation:**

Staff recommends approval of vacation for the waterline, sanitary sewer and drainage easements (VAC19-0002) as described in the attached exhibits.



Attachment A



# EASEMENT VACATIONS - GARMIN PROPERTIES VAC19-0002

**EXHIBIT "A"**  
**PARTIAL DRAINAGE EASEMENT VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**ALSO BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**

**DESCRIPTION:**

ALL THAT PART OF LOT 1, GARMIN PROPERTIES PHASE 1, A PLATTED SUBDIVISION OF LAND IN THE THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE NORTH 10.00 FEET OF THE EAST 10.00 FEET OF LOT 8, AS SHOWN ON GATEWAY BUSINESS PARK FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, AND SHOWN ON SAID GARMIN PROPERTIES PHASE 1.

**TOGETHER WITH:**

ALL THAT PART OF A 15.00 FOOT WIDE STRIP OF LAND BEING A DRAINAGE EASEMENT AS DESCRIBED IN BOOK 3075 AT PAGE 740, AS RECORDED IN THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE, BEING PART OF THE THIRD DESCRIBED EASEMENT THEREIN, AND LYING 7.50 FEET ON THE LEFT AND 7.50 FEET ON THE RIGHT OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHERN MOST CORNER OF LOT 7, SAID GATEWAY BUSINESS PARK FIRST PLAT; THENCE N 65°02'00" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF A PLATTED STREET IN SAID GATEWAY BUSINESS PARK FIRST PLAT, A DISTANCE OF 9.71 FEET TO THE CENTERLINE OF SAID 15.00 FOOT WIDE STRIP OF LAND; THENCE S 44°47'42" E, ALONG SAID CENTERLINE, A DISTANCE OF 78.13 FEET; THENCE S 40°57'21" E, A DISTANCE OF 7.85 FEET TO A POINT ON THE EASTERLY PROJECTION OF THE SOUTH LINE OF A 15.00 FOOT WIDE UTILITY EASEMENT AS SHOWN ON SAID GARMIN PROPERTIES PHASE 1, SAID POINT BEING THE POINT OF BEGINNING OF THE DRAINAGE EASEMENT TO BE VACATED HEREIN; THENCE S 40°57'21" E, CONTINUING ON SAID CENTERLINE A DISTANCE OF 128.16 FEET; THENCE S 14°14'04" W, CONTINUING ON SAID CENTERLINE, A DISTANCE OF 222.19 FEET; THENCE N 89°14'42" W, CONTINUING ON SAID CENTERLINE, A DISTANCE OF 75.81 FEET TO A POINT ON THE EAST LINE OF LOT 8 SAID GATEWAY BUSINESS PARK FIRST PLAT, SAID POINT ALSO BEING THE POINT OF TERMINATION OF THE THIRD DESCRIBED EASEMENT IN SAID BOOK 3075 AT PAGE 740 AND ALSO THE POINT OF TERMINATION OF THIS DRAINAGE EASEMENT VACATION.

THE ABOVE DESCRIBED DRAINAGE EASEMENTS TO BE VACATED CONTAIN 6,292 SQUARE FEET, MORE OR LESS, OF PLATTED LAND

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

BY:

THOMAS D. PHELPS, KS. LS-1075



\\PHELPS-SERVER\Projects\F\170620\045se\Exempts\permanent drainage\permanent drainage vacations.dwg Layout:1 May 16, 2019 2:53

SHEET 1 OF 2



PLANNING: PHELPS ENGINEERING, INC (913) 393-1155  
 ENGINEERING: 1270 N. Winchester Fax (913) 393-1166  
 IMPLEMENTATION: Olathe, Kansas 66061 www.phelpsengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND  
 SURVEYING - LS-82  
 ENGINEERING - E-391  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128  
 ENGINEERING-2007005058

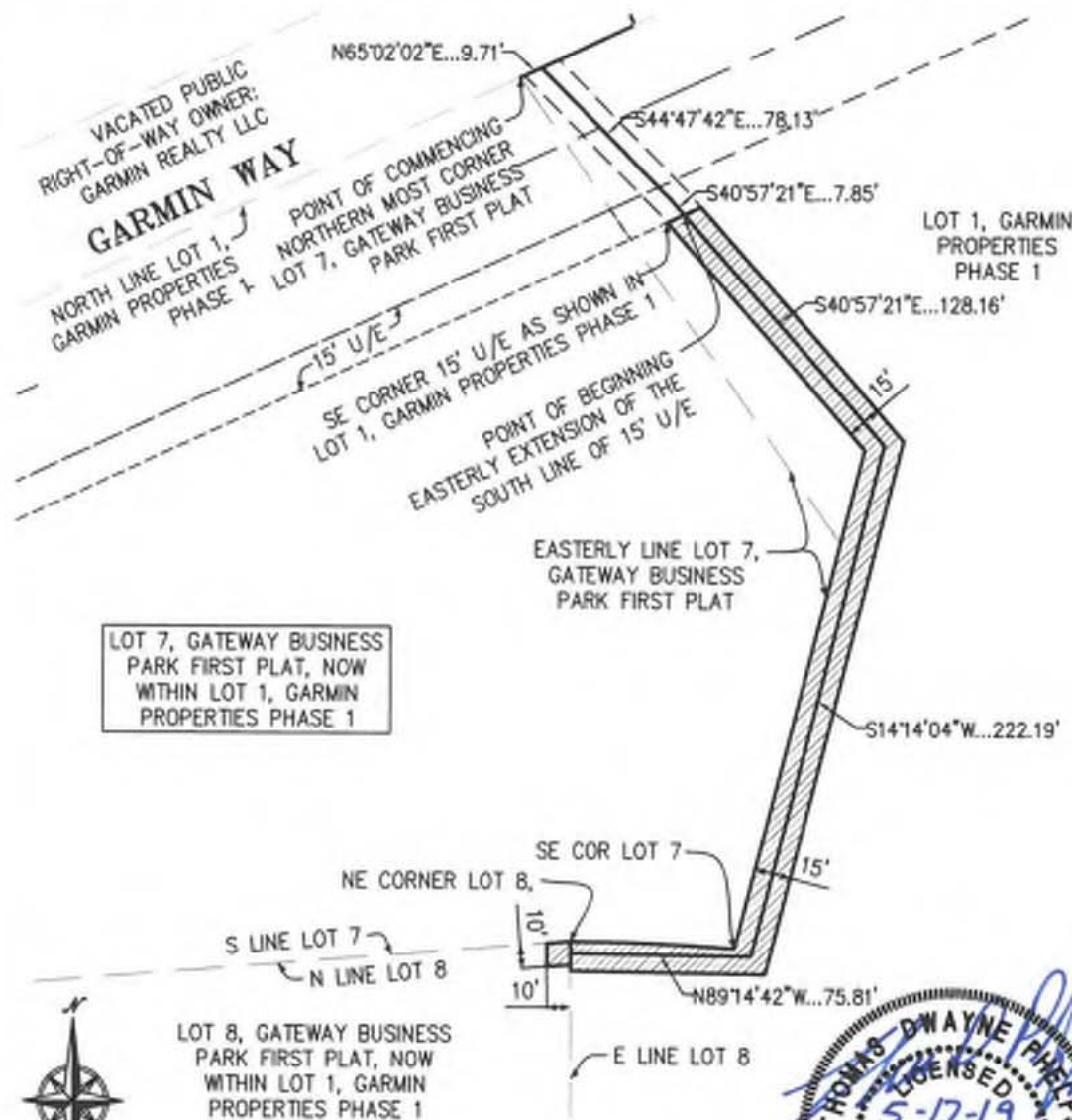
PROJECT NO. 170620

DATE: 4/16/2019

BY: DWJ



**EXHIBIT "A"**  
**PARTIAL DRAINAGE EASEMENT VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**ALSO BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**



SCALE: 1"=80'



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

BY: **THOMAS D. PHELPS, K.S. LS-1075**

**KANSAS**  
**LAND SURVEYOR**

\\PHelps-SERVER\Projects\F\170620\Office\Exempts\permanent drainage\permanent drainage vacations.dwg layout:2 May 16, 2019 3:33 SHEET 1 OF 2



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 LAND SURVEYING-2007001128  
 ENGINEERING-2007005058

PROJECT NO. 170620  
 DATE: 4/16/2019  
 BY: DWJ

**EXHIBIT "B"**  
**SANITARY SEWER VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**

**DESCRIPTION:**

ALL THAT PART OF LOT 1, GARMIN PROPERTIES PHASE 1, A PLATTED SUBDIVISION OF LAND, IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST PLAT CORNER OF SAID GARMIN PROPERTIES PHASE 1, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF MAHAFFIE CIRCLE, AS NOW ESTABLISHED; THENCE N 19°43'32" E, ALONG THE NORTH PLAT LINE OF SAID GARMIN PROPERTIES PHASE 1, A DISTANCE OF 46.92 FEET; THENCE N 65°02'00" E, CONTINUING ALONG SAID NORTH PLAT LINE, A DISTANCE OF 323.91 FEET TO THE NORTHWEST CORNER OF AN EXISTING 15-FOOT WIDE SEWER EASEMENT AS RECORDED IN THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE IN BOOK 3075 AT PAGE 730, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE SANITARY SEWER EASEMENT TO BE VACATED HERIN; THENCE N 65°02'00" E, CONTINUING ALONG SAID NORTH PLAT LINE, AND THE NORTH LINE OF SAID 15-FOOT WIDE SEWER EASEMENT, A DISTANCE OF 0.23 FEET TO THE NORTHEAST CORNER OF SAID 15-FOOT WIDE SEWER EASEMENT; THENCE S 42°45'50" E, ALONG THE EAST LINE OF SAID 15-FOOT WIDE SEWER EASEMENT, A DISTANCE OF 293.33 FEET TO THE SOUTHEAST CORNER OF SAID 15-FOOT WIDE SEWER EASEMENT; THENCE S 47°14'10" W, ALONG THE SOUTH LINE OF SAID 15-FOOT WIDE SEWER EASEMENT, A DISTANCE OF 15.00 FEET TO THE SOUTHWEST CORNER OF SAID 15-FOOT WIDE SEWER EASEMENT; THENCE NORTH, SOUTHWEST, NORTH, NORTHEAST, AND NORTHERLY ALONG THE WEST LINE OF SAID 15-FOOT WIDE SEWER EASEMENT, FOR THE FOLLOWING SIX (6) COURSES; THENCE N 42°45'50" W, A DISTANCE OF 70.74 FEET; THENCE S 14°14'04" W, A DISTANCE OF 22.67 FEET TO A POINT ON THE EAST LINE OF LOT 7, GATEWAY BUSINESS PARK FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, AS RECORDED IN THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE IN BOOK 74 AT PAGE 41; THENCE N 34°34'49" W, ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 19.93 FEET; THENCE N 14°14'04" E, A DISTANCE OF 19.29 FEET; THENCE N 42°45'50" W, A DISTANCE OF 101.98 FEET TO A POINT ON THE EAST LINE OF SAID LOT 7; THENCE N 34°34'49" W, ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 103.86 TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED SANITARY SEWER EASEMENT TO BE VACATED CONTAINS 3,956 SQUARE FEET, MORE OR LESS, OF PLATTED LAND.

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

BY:

THOMAS D. PHELPS, KS. LS-1075

THOMAS DWAYNE PHELPS  
 LICENSED LAND SURVEYOR  
 6-27-19  
 LS-1075  
 KANSAS

\\PHELPS-SERVER\Projects\F\170620\Office\Exhibits\Sanitary easements\Sanitary exhibit.dwg Lot 1 VAC 1 - 4/29/2019 10:41am SHEET 1 OF 2



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 IMPLEMENTATION

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

CERTIFICATE OF AUTHORIZATION KANSAS LAND  
 SURVEYING - LS-82  
 ENGINEERING - E-391  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128  
 ENGINEERING-2007000508

PROJECT NO. 170620  
 DATE: 4/29/2019  
 BY: DWJ



**EXHIBIT "B"**  
**SANITARY SEWER VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**



SCALE: 1"=100'



I HEREBY CERTIFY THAT THIS REAL  
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\\PHILIPS-SERVER\Projects\PL\70620\2019\Exhibits\Sanitary assements\Sanitary exhibit B.dwg Layout: LOT 7 VAC 2 Jun 27, 2019 11:34am SHEET 2 OF 2



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 Olathe, Kansas 66061 www.phelpsenengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND  
 SURVEYING - LS-82 PROJECT NO. 170620  
 ENGINEERING - E-391 DATE: 4/29/2019  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128 BY: DWJ  
 ENGINEERING-2007005058

**EXHIBIT "C"**  
**SANITARY SEWER VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**

**DESCRIPTION:**

ALL THAT PART OF LOT 1, GARMIN PROPERTIES PHASE 1, A PLATTED SUBDIVISION OF LAND, IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST PLAT CORNER OF SAID GARMIN PROPERTIES PHASE 1, SAID CORNER ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF MAHAFFIE CIRCLE, AS NOW ESTABLISHED; THENCE N 19°43'32" E, ALONG THE NORTH PLAT LINE OF SAID GARMIN PROPERTIES PHASE 1, A DISTANCE OF 46.92 FEET; THENCE N 65°02'00" E, CONTINUING ALONG SAID NORTH PLAT LINE, A DISTANCE OF 308.38 FEET TO THE NORTHWEST CORNER OF AN EXISTING SANITARY SEWER EASEMENT AS SHOWN ON LOT 7, GATEWAY BUSINESS PARK FIRST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, AS RECORDED IN THE JOHNSON COUNTY REGISTER OF DEEDS OFFICE IN BOOK 74 AT PAGE 41, SAID NORTHEAST CORNER ALSO BEING THE FIRST POINT OF BEGINNING OF THE SANITARY SEWER EASEMENT TO BE VACATED HEREIN; THENCE N 65°02'00" E, ALONG SAID NORTH PLAT LINE, THE NORTH LINE OF SAID LOT 7 AND THE NORTH LINE OF SAID EXISTING SANITARY SEWER EASEMENT, A DISTANCE OF 15.53 TO THE NORTHEAST CORNER OF SAID EXISTING SANITARY SEWER EASEMENT AND SAID LOT 7; THENCE S 34°34'49" E, ALONG THE EAST LINE OF SAID EXISTING SANITARY SEWER EASEMENT AND SAID LOT 7, A DISTANCE OF 103.86 TO A POINT HEREAFTER KNOWN AS POINT "A"; THENCE N 42°45'50" W, ALONG THE WEST LINE OF SAID EXISTING SANITARY SEWER EASEMENT, A DISTANCE OF 107.55 FEET TO THE FIRST POINT OF BEGINNING.

**AND ALSO:**

COMMENCING FROM AFOREMENTIONED POINT "A"; THENCE S 34°34'49" E, ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 113.64 FEET TO THE NORTHWEST CORNER OF AND EXISTING 15' SANITARY SEWER EASEMENT AS SHOWN ON SAID LOT 7, SAID NORTHWEST CORNER ALSO BEING THE SECOND POINT OF BEGINNING; THENCE SOUTHEASTERLY, SOUTHWESTERLY AND WESTERLY ALONG THE EAST AND SOUTH LINES OF SAID LOT 7 AND SAID EXISTING 15' SANITARY SEWER EASEMENT FOR THE FOLLOWING FOUR (4) COURSES; THENCE S 34°34'49" E, A DISTANCE OF 19.93 FEET; THENCE S 14°14'04" W, A DISTANCE OF 176.04; THENCE ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 800.00 FEET AND INITIAL TANGENT BEARING OF N85°14'06"W, AN ARC DISTANCE OF 69.00 FEET; THENCE S 85°19'50" W, A DISTANCE OF 20.06 FEET; THENCE N 4°40'10" W, A DISTANCE OF 16.35 FEET; THENCE ON A CURVE TO THE RIGHT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF N88°19'38"E AND A RADIUS OF 815.00 FEET, AN ARC DISTANCE OF 78.85 FEET; THENCE N 14°14'04" E, A DISTANCE OF 176.56 FEET TO THE SECOND POINT OF BEGINNING.

THE ABOVE DESCRIBED SANITARY SEWER EASEMENT TO BE VACATED CONTAINS 4,714 SQUARE FEET, MORE OR LESS, OF PLATTED LAND.

I HEREBY CERTIFY THAT THIS REAL  
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BY:  **THOMAS D. PHELPS, K.S. LS-1075**



\\PHELPS-ENGINEERING\Projects\170620\Office\Exhibits\Sanitary Sewer\Exhibits\Layout\BK PG VAC 1 Jun 27, 2019 2:34pm SHEET 1 OF 2

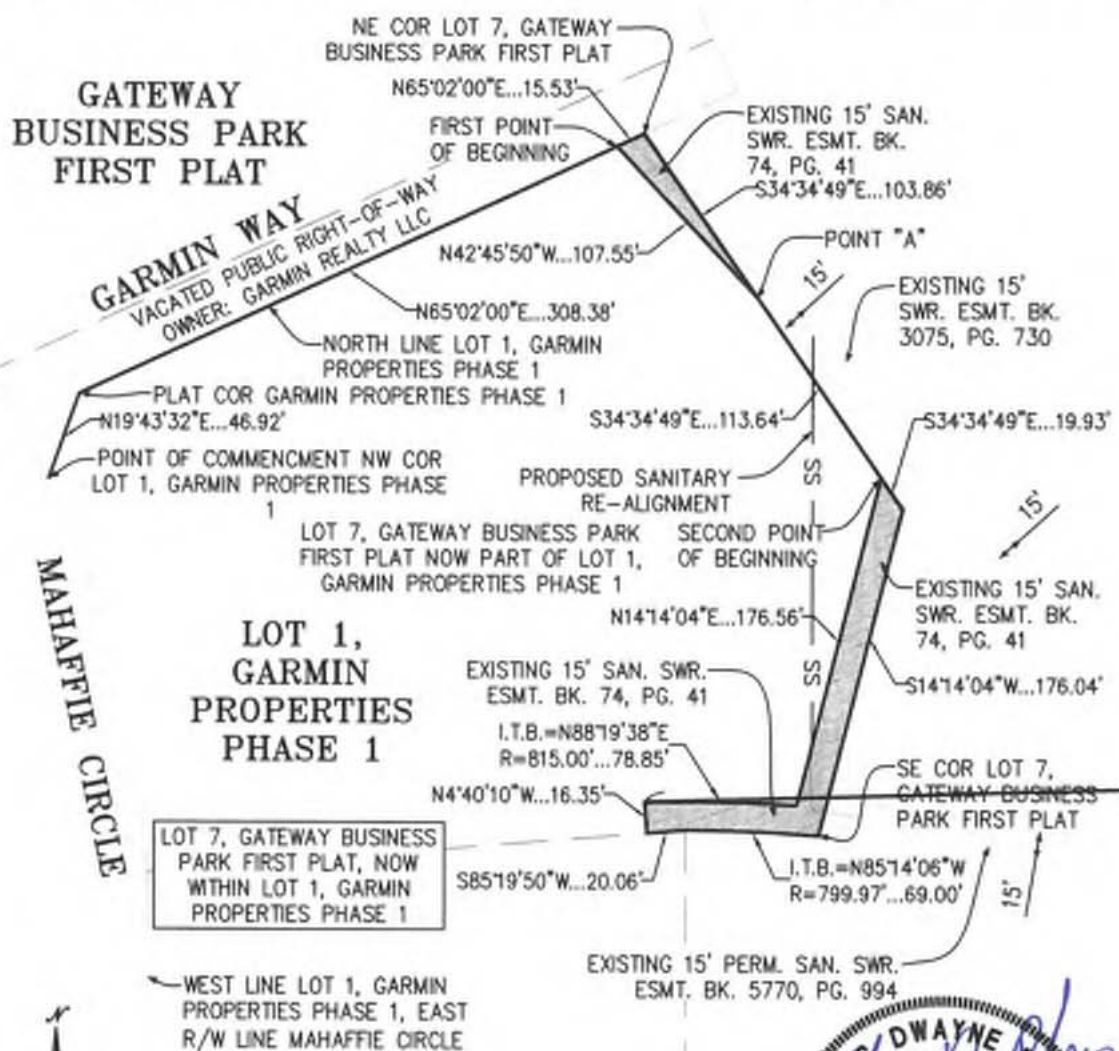


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 Olathe, Kansas 66061 www.phelpsenengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND  
 SURVEYING - LS-82 PROJECT NO. 170620  
 ENGINEERING - E-391 DATE: 4/29/2019  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128 BY: DWJ  
 ENGINEERING-2007006058



**EXHIBIT "C"**  
**SANITARY SEWER VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
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SCALE: 1"=100'



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BY: **THOMAS D. PHELPS, KS. LS-1075**  
 LAND SURVEYOR



\\PHelps-SERVER\Projects\170620\000\Drawings\Sanitary Sewer\Sanitary Exhibit C.dwg Layout: BK PG. VAC 2 Jun 27, 2019 11:35am SHEET 2 OF 2



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 1270 N. Winchester Fax (913) 393-1166  
 Olathe, Kansas 66061 www.phelpsengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND  
 SURVEYING - LS-82 PROJECT NO. 170620  
 ENGINEERING - E-381 DATE: 4/29/2019  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128 BY: DWJ  
 ENGINEERING-2007005058

**EXHIBIT "D"**  
**WATERLINE EASEMENT VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**

## DESCRIPTION:

ALL THAT PART OF LOT 1, GARMIN PROPERTIES PHASE 1, A PLATTED SUBDIVISION OF LAND IN PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1; THENCE S 89°49'23" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 1, A DISTANCE OF 1673.16 FEET; THENCE N 0°10'37" W, A DISTANCE OF 376.32 FEET TO A POINT ON THE NORTHERLY LINE OF A 15.00 FOOT WIDE WATERLINE EASEMENT AS SHOWN ON SAID GARMIN PROPERTIES PHASE 1, SAID POINT BEING THE POINT OF BEGINNING; THENCE N 82°08'30" W, A DISTANCE OF 15.00 FEET; THENCE NORTHERLY, EASTERLY AND SOUTHERLY ALONG THE NORTHERLY LINE OF SAID 15.00 FOOT WIDE WATERLINE EASEMENT; THENCE N 7°51'30" E, A DISTANCE OF 74.27 FEET; THENCE S 82°08'30" E, A DISTANCE OF 15.00 FEET; THENCE S 7°51'30" W, A DISTANCE OF 74.27 FEET TO THE POINT OF BEGINNING CONTAINING 1,114 SQUARE FEET, MORE OR LESS, OF EXISTING WATERLINE EASEMENT TO BE VACATED.

I HEREBY CERTIFY THAT THIS REAL  
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BY:  **THOMAS D. PHELPS, KS-LS-1075**



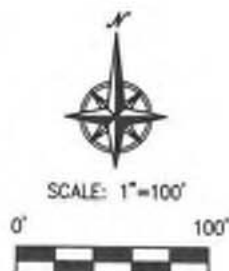
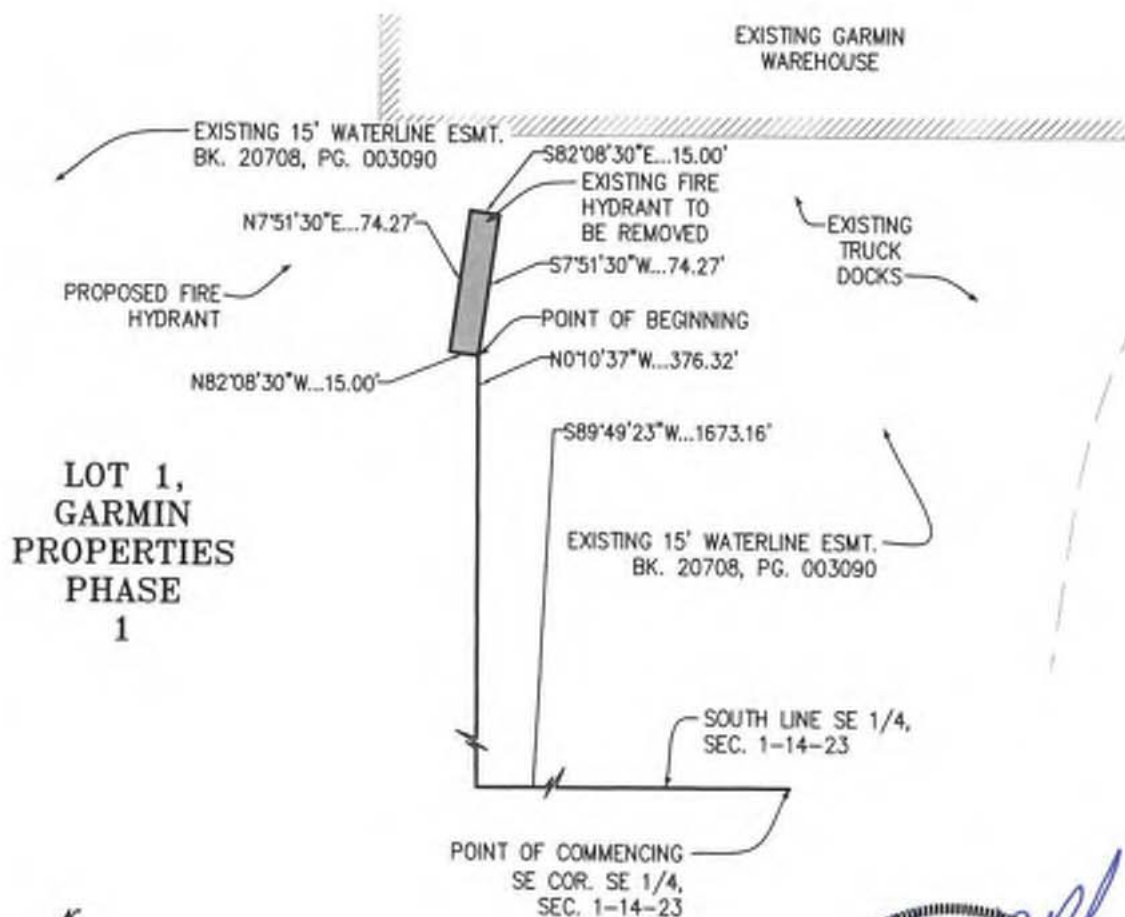
\\PHELPS-SERVER\Projects\170620\Office\Easements\waterline easement\notes to dw\dwg needs to be updated\waterline easement.dwg SHEET 1 OF 2 10:09 - 3:37pm



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 ENGINEERING - E-391 DATE: 4/30/2019  
 CERTIFICATE OF AUTHORIZATION MISSOURI  
 LAND SURVEYING-2007001128 BY: DWJ  
 ENGINEERING-2007005058

**EXHIBIT "D"**  
**WATERLINE EASEMENT VACATION**  
**PART OF THE S.E. 1/4 SECTION 1, T. 14 S., R. 23 E.,**  
**BEING PART OF LOT 1, GARMIN PROPERTIES PHASE 1**  
**IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.**



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\\PHELPS-SERVER\Projects\P\170620\0466\Exempts\waterline easement\Notes to del dig needs to be updated\waterline easement\Notes to del dig needs to be updated SHEET 2 OF 2 2019 - 3:36pm

**PEI** PLANNING PHELPS ENGINEERING, INC (913) 393-1155  
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 IMPLEMENTATION Olathe, Kansas 66061 www.phelpsengineering.com

CERTIFICATE OF AUTHORIZATION KANSAS LAND SURVEYING - LS-82  
 ENGINEERING - E-391  
 CERTIFICATE OF AUTHORIZATION MISSOURI LAND SURVEYING-2007001128  
 ENGINEERING-2007005058

PROJECT NO. 170620  
 DATE: 4/30/2019  
 BY: DWJ



