

**ORDINANCE NO. 19-53**

**AN ORDINANCE VACATING EXISTING DRAINAGE, WATERLINE, AND SANITARY SEWER EASEMENTS LOCATED AT 1200 E. 151<sup>st</sup> STREET IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS**

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

**Legal Description of the Drainage Easement Vacation:**

ALL THAT PART OF LOT 1, GARMIN PROPERTIES PHASE 1, A PLATTED SUBDIVISION OF LAND IN 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.

AND ALSO:

**Legal Description of the Sanitary Sewer Vacation (3075-730):**

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 N14°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.

AND ALSO:

**Legal Description of the Sanitary Sewer Vacation (Lot 7):**

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 LIES 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.

AND ALSO:

**Legal Description of the Waterline Easement Vacation:**

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.

(hereinafter called "property"); and

**WHEREAS**, A petition for vacation (VAC19-0002) was filed with the City of Olathe, Kansas, on the 31st day of May 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 22<sup>nd</sup> day of July 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 utility 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 utility easements granted to the City of Olathe, Kansas, by a plat of Garmin Properties Phase 1, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

**Legal Description of the Drainage Easement Vacation:**

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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.

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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 LIES 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.

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**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