

ORDINANCE NO. 19-73

AN ORDINANCE VACATING AN UTILITY EASEMENT LOCATED AT 407 EAST CEDAR STREET IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

WHEREAS, Olathe Unified School District #233, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain utility easement below described:

LOT 1 AND THE WEST 105 FEET OF LOT 3, MILLBROOKE, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

(hereinafter called "property"); and

WHEREAS, A petition for vacation (VAC19-0004) was filed with the City of Olathe, Kansas, on the 9th day of September 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 28th day of October 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 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 existing utility easement granted to the City of Olathe, Kansas, by a plat of Millbrooke, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

LOT 1 AND THE WEST 105 FEET OF LOT 3, MILLBROOKE, A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

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 19th day of November 2019.

SIGNED by the Mayor this 19th day of November 2019.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney