

ORDINANCE NO. 20-12

AN ORDINANCE VACATING A WATER LINE EASEMENT LOCATED IN OLATHE ERNIE MILLER PARK & NATURE CENTER A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

WHEREAS, Johnson County Park and Recreation District, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain water line easement below described:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 27; thence S 87°50'56" W along the North line of said Section 27 a distance of 1,245.34 feet to a point on the East right-of-way of Kansas Highway 7 as now established and as recorded as document 2195225 in Book 3790, Page 754 in the Register of Deeds office of Johnson County, Kansas; thence S 38°08'04" E along said east right-of-way, a distance of 282.24 feet to a point on the North right-of-way of Harold Street as now established, said point also being the point of commencement for said permanent waterline easement recorded in Book 6980, Page 460 in the Register of Deeds office of Johnson County, Kansas; thence N 38°08'04" W along said east right-of-way of Kansas Highway 7, a distance of 40.00 feet; thence S 52°23'21" W, a distance of 228.02 feet to a point on the existing Westerly right-of-way line of said Kansas Highway 7; thence S 51°02'00" E, a distance of 7.71 feet to Point "A" as established by said permanent waterline easement recorded in Book 6980, page 460; thence S 52°23'21" W, a distance of 33.68 feet; thence N 52°55'52" W, a distance of 37.90 feet; thence N 67°22'13" W, a distance of 47.83 feet; thence N 72°52'37" W, a distance of 66.76 feet; thence N 74°12'50" W, a distance of 53.90 feet; thence N 67°09'52" W, a distance of 35.72 feet; thence S 36°47'30" W, a distance of 55.54 feet to the Point of Beginning; thence S 36°47'30" W, a distance of 90.45 feet; thence S 40°59'18" W, a distance of 134.81 feet; thence N 49°00'42" W, a distance of 15.00 feet; thence N 40°59'18" E, a distance of 134.26 feet; thence N 36°47'30" E, a distance of 89.60 feet; thence S 54°21'46" E, a distance of 15.00 feet to the Point of Beginning, and containing 3,368.33 Sq. Ft.

(hereinafter called "property"); and

WHEREAS, A petition for vacation (VAC20-0002) was filed with the City of Olathe, Kansas, on the 21st day of February 2020; 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 27th day of April 2020; and

WHEREAS, said Planning Commission has recommended that such water line 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 water line 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 water line easement granted to the City of Olathe, Kansas, by a plat of Ernie Miller Park & Nature Center, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

Commencing at the Northeast Corner of the Northeast Quarter of said Section 27; thence S 87°50'56" W along the North line of said Section 27 a distance of 1,245.34 feet to a point on the East right-of-way of Kansas Highway 7 as now established and as recorded as document 2195225 in Book 3790, Page 754 in the Register of Deeds office of Johnson County, Kansas; thence S 38°08'04" E along said east right-ofway, a distance of 282.24 feet to a point on the North right-of-way of Harold Street as now established, said point also being the point of commencement for said permanent waterline easement recorded in Book 6980, Page 460 in the Register of Deeds office of Johnson County, Kansas; thence N 38°08'04" W along said east right-of-way of Kansas Highway 7, a distance of 40.00 feet; thence S 52°23'21" W, a distance of 228.02 feet to a point on the existing Westerly right-of-way line of said Kansas Highway 7; thence S 51°02'00" E, a distance of 7.71 feet to Point "A" as established by said permanent waterline easement recorded in Book 6980, page 460; thence S 52°23'21" W, a distance of 33.68 feet; thence N 52°55'52" W, a distance of 37.90 feet; thence N 67°22'13" W, a distance of 47.83 feet; thence N 72°52'37" W, a distance of 66.76 feet; thence N 74°12'50" W, a distance of 53.90 feet; thence N 67°09'52" W, a distance of 35.72 feet; thence S 36°47'30" W, a distance of 55.54 feet to the Point of Beginning; thence S 36°47'30" W, a distance of 90.45 feet; thence S 40°59'18" W, a distance of 134.81 feet; thence N 49°00'42" W, a distance of 15.00 feet; thence N 40°59'18" E, a distance of 134.26 feet; thence N 36°47'30" E, a distance of 89.60 feet; thence S 54°21'46" E, a distance of 15.00 feet to the Point of Beginning, and containing 3,368.33 Sq. Ft.

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 5th day of May 2020.

SIGNED by the Mayor this 5th day of May 2020.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney