

**ORDINANCE NO. 20-11**

**AN ORDINANCE VACATING A WATER LINE EASEMENT LOCATED IN PRAIRIE TRAILS WEST II, A SUBDIVISION IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS**

**WHEREAS**, Michael Howell, does petition the City Council of the City of Olathe, Kansas, for the vacating of a certain water line easement below described:

ALL THAT PART OF A PLATTED 15' WIDE WATER LINE EASEMENT BEING PART OF LOT 3, PRAIRIE TRAILS WEST II, A PLATTED SUBDIVISION OF LAND IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 24 EAST, IN THE OTY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER SAID LOT 3; THENCE N 00'00'5r E ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 165.55 FEET; THENCE S 89'59'03" E, A DISTANCE OF 24.20 FEET TO A POINT ON THE NORTHERLY LINE OF A 15.00 FOOT WIDE WATERLINE EASEMENT AS SHOWN ON SAID PRAIRIE TRAILS WEST II, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 89'53'43" E A DISTANCE OF 11.00 FEET; THENCE S 00'06'17" W, A DISTANCE OF 15.00 FEET; THENCE N 89'53'43" W, A DISTANCE OF 11.00 FEET; THENCE N 00'06'17" E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 165 SQUARE FEET, MORE OR LESS, OF EXISTING WATERLINE EASEMENT TO BE VACATED.

(hereinafter called "property"); and

**WHEREAS**, A petition for vacation (VAC20-0001) was filed with the City of Olathe, Kansas, on the 31<sup>st</sup> day of January 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 13<sup>th</sup> 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 Prairie Trails West II, a subdivision in the City of Olathe, Johnson County, Kansas, is hereby vacated:

ALL THAT PART OF A PLATTED 15' WIDE WATER LINE EASEMENT BEING PART OF LOT 3, PRAIRIE TRAILS WEST II, A PLATTED SUBDIVISION OF LAND IN PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 24 EAST, IN THE OTY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER SAID LOT 3; THENCE N 00'00'5r E ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 165.55 FEET; THENCE S 89'59'03" E, A DISTANCE OF 24.20 FEET TO A POINT ON THE NORTHERLY LINE OF A 15.00 FOOT WIDE WATERLINE EASEMENT AS SHOWN ON SAID PRAIRIE TRAILS WEST II, SAID POINT BEING THE POINT OF BEGINNING; THENCE S 89'53'43" E A DISTANCE OF 11.00 FEET; THENCE S 00'06'17" W, A DISTANCE OF 15.00 FEET; THENCE N 89'53'43" W, A DISTANCE OF 11.00 FEET; THENCE N 00'06'17" E, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, CONTAINING 165 SQUARE FEET, MORE OR LESS, OF EXISTING WATERLINE EASEMENT TO BE VACATED.

**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 5<sup>th</sup> day of May 2020.

**SIGNED** by the Mayor this 5<sup>th</sup> day of May 2020.

---

Mayor

ATTEST:

---

City Clerk

(Seal)

APPROVED AS TO FORM:

---

City Attorney