

**ORDINANCE NO. 21-10**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.20.030 OF THE OLATHE UNIFIED DEVELOPMENT ORDINANCE; FURTHER AMENDING SAID SECTION 18.20.030 BY REINCORPORATING SUCH MAP AS AMENDED.**

**WHEREAS**, Rezoning Application No. RZ20-0016 requesting rezoning from R-3 (Residential Low-Density Multifamily) District to R-1 (Residential Single Family) District was filed with the City of Olathe, Kansas, on the 31<sup>st</sup> day of December 2020; and

**WHEREAS**, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Chapter 18.40 of the Olathe Unified Development Ordinance; and

**WHEREAS**, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 22<sup>nd</sup> day of February 2021; and

**WHEREAS**, said Planning Commission has recommended that such rezoning application be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** That the Zoning Map of the City of Olathe, Kansas, is hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

RESURVEY AND REPLAT OF A THAT PART OF LOT 1, BATTLE CREEK, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF NELSON ROAD, AS NOW ESTABLISHED; THENCE ALONG THE WESTERLY LINE OF SAID LOT 1 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID NELSON ROAD, FOR THE FOLLOWING EIGHT (8) COURSES; THENCE N 2°02'57" W, A DISTANCE OF 286.27 FEET; THENCE NORTHERLY AND NORTHWESTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 397.45 FEET, AN ARC DISTANCE OF 155.41 FEET; THENCE CONTINUING ALONG SAID CURVE TO THE LEFT AND HAVING A RADIUS OF 397.45 FEET, AN ARC DISTANCE OF 116.38 FEET; THENCE N 41°14'17" W, A DISTANCE OF 41.72 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 580.87 FEET, AN ARC DISTANCE OF 101.05 FEET; THENCE N 51°12'17" W, A DISTANCE OF 56.84 FEET; THENCE NORTHERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 75.00 FEET, AN ARC DISTANCE OF 132.08 FEET TO A POINT ON THE NORTHERLY LINE OF SAID

LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 119TH STREET, AS NOW ESTABLISHED; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 119TH STREET, FOR THE FOLLOWING THREE (3) COURSES; THENCE EASTERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 788.83 FEET, AN ARC DISTANCE OF 527.55 FEET; THENCE N 88°00'53" E, A DISTANCE OF 510.42 FEET TO THE NORTHWEST PLAT CORNER OF LEGACY SENIOR RESIDENCES, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE ALONG THE WESTERLY PLAT LINE OF SAID LEGACY SENIOR RESIDENCES, FOR THE FOLLOWING SEVEN (7) COURSES; THENCE S 0°30'30" E, A DISTANCE OF 141.34 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT, SAID CURVE HAVING AN INITIAL TANGENT BEARING OF S 89°23'21" E AND A RADIUS OF 164.00 FEET, AN ARC DISTANCE OF 131.18 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE RIGHT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 136.00 FEET, AN ARC DISTANCE OF 45.57 FEET; THENCE S 25°55'26" E, A DISTANCE OF 71.96 FEET; THENCE S 39°41'00" E, A DISTANCE OF 101.16 FEET; THENCE S 10°19'31" E, A DISTANCE OF 51.94 FEET; THENCE S 39°41'00" E, A DISTANCE OF 216.57 FEET TO THE SOUTHWEST PLAT CORNER OF SAID LEGACY SENIOR RESIDENCES, SAID POINT ALSO BEING ON THE NORTH PLAT LINE OF MILLCREEK WOODS, 2ND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 50°19'07" W, ALONG THE NORTHERLY PLAT LINE OF SAID MILLCREEK WOODS, 2ND PLAT AND THE EASTERLY PLAT LINE OF SAID BATTLE CREEK, A DISTANCE OF 12.85 FEET TO NORTHWEST PLAT CORNER OF SAID MILLCREEK WOODS, 2ND PLAT, SAID POINT ALSO BEING AN ANGLE POINT ON THE EASTERLY PLAT LINE OF SAID BATTLE CREEK; THENCE S 48°32'20" E, ALONG THE WESTERLY PLAT LINE OF SAID MILLCREEK WOODS, 2ND PLAT AND THE EASTERLY PLAT LINE OF SAID BATTLE CREEK, A DISTANCE OF 334.71 FEET TO THE SOUTHEAST PLAT CORNER OF SAID BATTLE CREEK; THENCE S 87°55'40" W, ALONG THE SOUTH PLAT LINE OF SAID BATTLE CREEK AND THE NORTH PLAT LINE OF MILLCREEK WOODS, 8TH PLAT AND MILLCREEK WOODS, 9TH PLAT, BOTH PLATTED SUBDIVISIONS OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AND ITS EASTERLY EXTENSION, A DISTANCE OF 405.90 FEET; THENCE SOUTHWESTERLY ALONG THE NORTHERLY PLAT LINE OF SAID MILLCREEK WOODS, 8TH PLAT AND THE SOUTHERLY PLAT LINE OF SAID BATTLE CREEK ON A CURVE TO THE LEFT, SAID CURVE BEING TANGENT TO THE LAST DESCRIBED COURSE AND HAVING A RADIUS OF 350.00 FEET, AN ARC DISTANCE OF 484.41 FEET TO AN ANGLE POINT ON THE NORTHERLY PLAT LINE OF SAID MILLCREEK WOODS, 8TH PLAT AND AN ANGLE POINT ON THE NORTHERLY PLAT LINE OF MILLCREEK WOODS, 10TH PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AND THE SOUTHERLY PLAT LINE OF SAID BATTLE CREEK; THENCE S 88°00'38"

W, ALONG THE NORTH PLAT LINE OF SAID MILLCREEK WOODS, 10TH PLAT AND THE SOUTHERLY PLAT LINE OF SAID BATTLE CREEK, A DISTANCE OF 640.52 FEET TO THE POINT OF BEGINNING, CONTAINING 23.1299 ACRES, MORE OR LESS, OF REPLATTED LAND.

Said legally described property is hereby rezoned from R-3 (Residential Low-Density Multifamily) District to R-1 (Residential Single Family) District.

**SECTION TWO:** That this rezoning is approved with no stipulations.

**SECTION THREE:** That Section 18.20.030 of the Unified Development Ordinance, which incorporates by reference the Olathe Zoning Map, is hereby amended by reincorporating by reference the said Zoning Map as it has been amended in Section One of the Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect from and after its passage and publication as provided by law.

**PASSED** by the City Council this 16<sup>th</sup> day of March 2021.

**SIGNED** by the Mayor this 16<sup>th</sup> day of March 2021.

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Mayor

ATTEST:

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City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney