



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 4/20/2021

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**FOCUS AREA:** Legal

**STAFF CONTACT:** Ron Shaver

**SUBJECT:** ANX 21-0002, Annexation of approximately 101.77± acres, Petitioner: The Thomas S. VanKeirsbilck Trust & Slam D. Holdings, Inc.

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**ITEM DESCRIPTION:**

Consideration of Ordinance No. 21-15 (ANX 21-0002) annexing approximately 101.77± acres of land at the southeast corner of 167th Street and Hedge Lane, and an annexation agreement with the Thomas S. VanKeirsbilck Trust and Slam D Holdings Inc.

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**SUMMARY:**

This item was presented as a report on the April 6, 2021 City Council agenda. In accordance with K.S.A. 12-520(a)(7), the Thomas S. VanKeirsbilck Trust & Slam D. Holdings, Inc. (the "Landowner") has submitted an agreement and a petition for annexation of approximately 101.77± acres of land (**Exhibits A & B**) (the "Property") which lies contiguous with the corporate boundaries of Olathe. The property is generally located at the southeast corner of 167<sup>th</sup> Street and Hedge Lane.

The annexation agreement provides that the Landowner will not be required to re-zone the Property from Johnson County RUR to a City zoning designation nor re-plat the property immediately after annexation. If the Landowner or its successors choose rezone and subdivide the land in the future, they will be responsible for complying with the applicable zoning and subdivision regulations in the Olathe Unified Development Ordinance. Permitted by-right uses in RUR will be honored after annexation. However, development of the Property will be subject to City development standards as reasonably required by the City for all development projects within the City.

The Landowner has agreed to comply with all road improvement requirements required by the City for development of the Property, including any requirements to improve and/or dedicate the future right-of-way for Hedge Lane. So long as the landowner owns the Property and it qualifies under state law, the property would be granted a delay in the payment of special assessments to finance any such road improvements.

the Property is within the boundaries of the 1-B-077-10 South Cedar Creek Sewer Phase I (aka 159th and Hedge Lane Crossing) sanitary sewer benefit district and is subject to its proportionate share of special assessments for such improvements. Any improvements required to extend sanitary sewers to the Property, including acquisition of any necessary easements related to such improvements, will be extended by Landowner (and dedicated to the City). The Property will receive water service from Johnson County Water District No. 1.

The property to be annexed upon adoption of an annexation ordinance is within the City of Olathe Growth Area and is shown on the Future Land Use Map as part of an Industrial Area and includes Secondary Greenway.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

Approve Ordinance No. 21-15 (ANX 21-0002) annexing approximately 101.77± acres of land at the southeast corner of 167th Street and Hedge Lane, and an annexation agreement with the Thomas S. VanKeirsbilck Trust and Slam D Holdings, Inc.

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**ATTACHMENT(S):**

- A. Agreement and Petition for Annexation
- B. Map of Subject Property
- C. Annexation Ordinance