

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2403 Summary

On July 7, 2016, the City of De Soto, Kansas, adopted Ordinance No. 2403, vacating three public easements that were previously dedicated to the City as part of a multi-family project that never materialized, and said easements interfere with a new project being developed in the same location, generally located northeast of the intersection of 90th and Oak Streets in the City of De Soto, Kansas. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2403

AN ORDINANCE ORDERING THE VACATION OF PUBLIC EASEMENTS

WHEREAS, several years ago, the City was presented with a development plan for a multi-family project on a tract of land located to the northeast of the intersection of Oak and 90th Streets, which plan involved dedication of numerous easements that were particular to the development; and

WHEREAS, the above referenced development did not materialize and now a different development plan has been presented to the City, and some of the previously dedicated easements are in the way of the new plan; and

WHEREAS, the owner of the tract of land northeast of the intersection of Oak and 90th Streets (the location of the new development) has filed a Petition (*See Exhibit A*) with the City Clerk requesting that three public easements [a 10 foot utility easement, a 15 foot sanitary sewer easement, and a 16 foot landscape easement] be vacated pursuant to K.S.A. 12-504 *et seq.* as they are not needed for the new development; and

WHEREAS, the City Engineer has confirmed that the three easements to be vacated are no longer needed by the City for any public use and, therefore, can be vacated without any loss or inconvenience to the public; and

WHEREAS, in accordance with K.S.A. 12-504, the City has published the required statutory notice preceding the public hearing regarding the requested vacation of public easements; and

WHEREAS, in accordance with K.S.A. 12-505, the governing body heard evidence concerning the true nature and propriety of vacating the public easements.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS, AS FOLLOWS:

Section 1. Findings. In accordance with K.S.A. 12-505, the governing body finds and concludes that no private rights will be injured or endangered by such vacation of public easements and that the public will not suffer loss or inconvenience because of such vacation. The governing body also finds and concludes that justice to the property owner requires that vacation of the public easements be ordered.

Section 2. Order. The governing body hereby orders that the public easements depicted to be vacated [a 10 foot utility easement, a 15 foot sanitary sewer easement, and a 16 foot landscape easement] in the Country Living Plat (attached as **Exhibit B**) be vacated.

Section 3. Recording. The City Clerk is directed to deliver a certified copy of this Ordinance to the Johnson County Register of Deeds so that the vacation of easements is properly recorded.

Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF DE SOTO, KANSAS this 7th day of July, 2016.

CITY OF DE SOTO, KANSAS

Timothy J. Maniez, MAYOR

(SEAL)

ATTEST:

APPROVED AS TO FORM:

City Clerk, Lana R. McPherson, MMC

City Attorney, Patrick G. Reavey

EXHIBIT A

PETITION FOR VACATING PUBLIC EASEMENTS

Pursuant to K.S.A. 12-504, I hereby petition the City of De Soto, Kansas, to vacate three easements [a 10 foot utility easement, a 15 foot sanitary sewer easement, and a 16 foot landscape easement] that are depicted as being vacated in the attached "Country Village Living Plat". I agree to pay for the out-of-pocket expenses incurred by the City in doing the same.

COUNTRY VILLAGE LLC:

Dated: July 1, 2016

By: Rebecca D. O'Neal
Rebecca O'Neal, Managing Member

EXHIBIT B

COUNTRY VILLAGE LIVING

A replat of part of Lot 18, Block 1, BRADY SUBDIVISION
a subdivision of land in the City of De Soto, Johnson County, Kansas

That part of Lot 18, Block 1, BRADY SUBDIVISION, a subdivision of land in the City of De Soto, Johnson County, Kansas, described as follows: Beginning at the Southeast corner of said Lot 18; Thence North 89 degrees, 53 minutes, 51 seconds West along the South line of said Lot 18, 445.00 feet to the Southwest corner of said Lot 18; Thence North 00 degrees, 06 minutes, 46 seconds East along the West line of said Lot 18 and the Northerly extension thereof, 320.00 feet; Thence North 70 degrees, 06 minutes, 09 seconds East, 116.48 feet; Thence North 30 degrees, 06 minutes, 46 seconds East, 121.10 feet; Thence North 00 degrees, 06 minutes, 46 seconds East, 186.87 feet; Thence South 89 degrees, 53 minutes, 14 seconds East, 275.00 feet to a point on the East line of said Lot 18; Thence South 00 degrees, 06 minutes, 46 seconds West along said East line, 651.52 feet to the Point of Beginning. Containing 241,343 square feet, or 5.54 acres, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "COUNTRY VILLAGE LIVING".

An easement or license is hereby granted to the City of De Soto, Johnson County, Kansas, and to all public utility companies duly incorporated and licensed to do business in the City of De Soto, Johnson County, Kansas, to enter upon, construct and maintain poles, wires, anchors, pipes, conduits, sewers, surface drainage facilities, etc., upon, over and under these areas outlined and designated on this plat as "Utility Easement" or "U.E.".

An easement is hereby granted to the City of De Soto, to lay, construct, alter, repair, replace and operate one or more sanitary sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress or egress, over and through those areas designated as "Sanitary Sewer Easement", or "S/E" on this plat.

IN TESTIMONY WHEREOF, the undersigned proprietors have hereunto subscribed their hands.

Country Village, LC
Rebecca D. Oates, managing member

STATE OF KANSAS }
COUNTY OF JOHNSON }

BE IT REMEMBERED, that on this 16th day of May, 2016 before me, the undersigned Notary Public, in and for the County and State aforesaid, came Rebecca D. Oates, who states that she is the managing member of the Country Village, LC, and the same person who executed the within instrument of writing and duly acknowledged the execution of the within instrument of writing and duly acknowledged the execution of the same to be the voluntary act and deed of said Country Village, LC.

Notary Public: _____ My Appointment Expires: October 29, 2016 Seal: _____
Jerald W. Pruitt

APPROVED by the City Plan Commission, of the City of De Soto, Johnson County, Kansas, this ____ day of ____, 2016.

Richard Hemphill, Chairman

APPROVED by the Building Official of the City of De Soto, Johnson County, Kansas, this ____ day of ____, 2016.

Steve Chick, Building Official

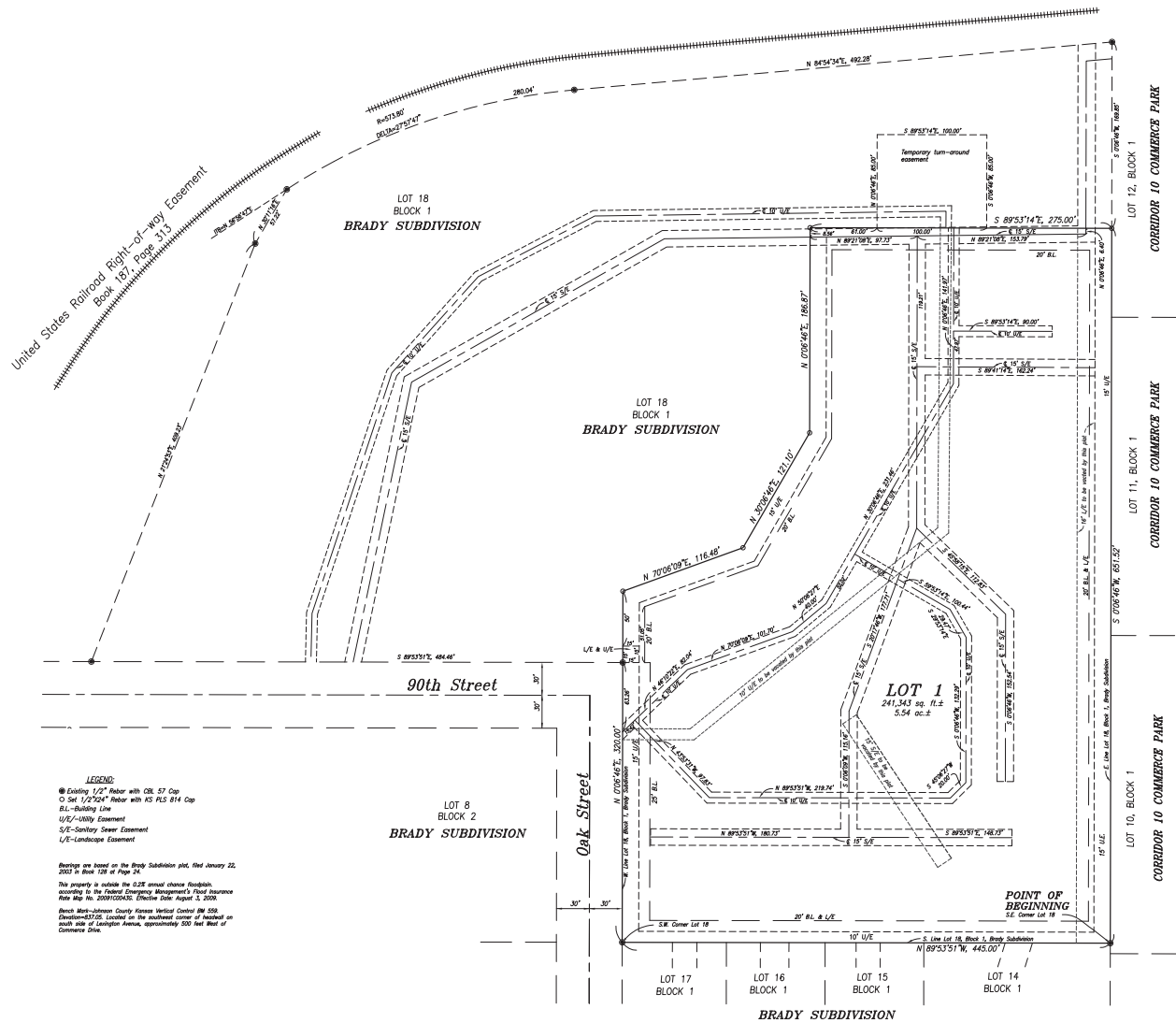
APPROVED by the City Engineer of the City of De Soto, Johnson County, Kansas, this ____ day of ____, 2016.

Mike Brungardt, City Engineer

APPROVED by the Governing Body, of the City of De Soto, Johnson County, Kansas, this ____ day of ____, 2016.

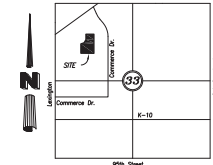
Tim Maniez, Mayor _____ Lana McPherson, City Clerk

I hereby certify that to the best of my knowledge, the above plat correctly portrays the results of a survey of the above described property that was conducted under my supervision and completed in the field in May, 2016.
Jerald W. Pruitt, PLS 814

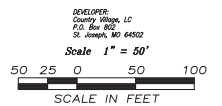


LEGEND:
 ● Existing 1/2" Rebar with CB 57 Cap
 ○ Set 1/2" 2x4" Rebar with KS PLS 814 Cap
 BL—Building Line
 U/E—Utility Easement
 S/E—Sanitary Sewer Easement
 L/E—Landscape Easement

Surveys are based on the Brady Subdivision plat, filed January 22, 2003 in Book 128 of Page 24.
 This property is outside the CLE annual chance floodplain according to the Federal Emergency Management's Flood Insurance Rate Map No. 200910040E, Effective Date August 1, 2009.
 Branch Multi-Johnson County Kansas Vertical Control BM 558, Elevation 627.02 Located on the southeast corner of the south side of Lexington Avenue, approximately 500 feet East of Commerce Drive.



LOCATION MAP
Section 31-12-22
SCALE 1" = 200'



COUNTRY VILLAGE LIVING	
A part of Lot 18, Block 1, BRADY SUBDIVISION DeSoto, Johnson County, Kansas	
PRUITT and DOOLEY SURVEYING, LLC	
2912 Elm Ave. Plymouth, MO 64138 816-699-4239	10777 Barkley, Ste. 220-1 Overland Park, KS 66211 913-652-9002
Job No. 15-1217 Country Village Living plat.pdf	Rev. 13, 2016 Revised May 17, 2016

