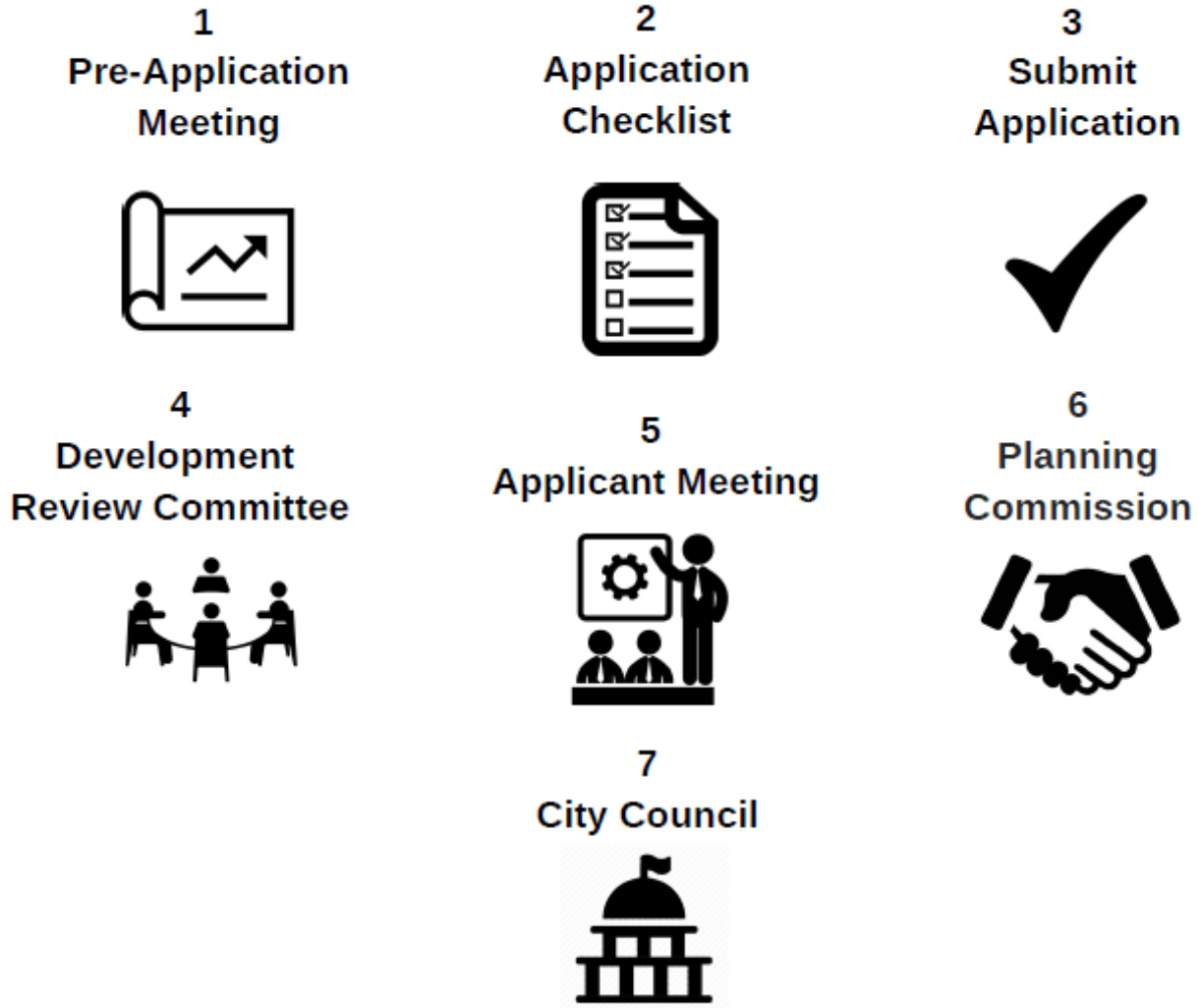


# Vacation of Public Reservation Application & Process

See Unified Development Ordinance 18.40.190



Public Works | Planning Division  
PO Box 768 | 100 E. Santa Fe Street  
Olathe, Kansas 66051  
P: 913-971- 8750 F: 913-971-8960  
[www.olatheks.org](http://www.olatheks.org)

## **Step 1 – Pre-Application Process**

The applicant is required to meet with City Planning staff prior to submitting an application. There are two types of pre-application meetings, depending on the scope of the project: (A) a Discovery meeting; and (B) a Project Evaluation meeting. More than one pre-application meeting may be required by staff as needed.

### **A) Discovery Meeting**

*This meeting gives staff the opportunity to identify issues that may be addressed prior to the application being submitted and identify special studies needed in conjunction with the application. In addition, the meeting allows the applicant to explain issues that shaped the initial design of the project and ask questions about the application procedures. This exchange of information can often make the process go more smoothly. It is not necessary to have detailed plans drawn prior to the meeting. However, the more information brought to the meeting (even in sketch form), the more thorough and specific the staff can be in response. Depending on the complexity of the project, this meeting may be waived at the discretion of the Planning representative.*

#### **Purpose**

- Acquaint the applicant with the procedural requirements.
- Provide for an exchange of information regarding the proposed development and the regulations, restrictions and requirements, the *Comprehensive Plan* and other development requirements.
- Advise the applicant of any public sources of information that may aid the application, identify policies and regulations that create opportunities or pose significant restraints for the proposed development.
- Review proposed concept plans and provide the applicant with opportunities to enrich the development plan to mitigate any undesirable project consequences;
- Review the compatibility with adjacent land uses, either proposed or existing; and
- Provide general assistance by City staff on the overall design of the proposed development.

### **B) Project Evaluation Meeting**

*This meeting allows staff to meet with the applicant and discuss the changes made to the project up to this point, as well as additional concerns both parties may have during the remainder of the process. At the conclusion of this meeting, the applicant should be aware of all materials needed for filing the application and the correct format for all documents. Additional staff comments and revisions may be required as a result of this meeting. Depending on the changes required by City staff, it may be necessary to have a second project evaluation meeting prior to filing the application.*

#### **Purpose**

- Provide a more in-depth review of the plans with the applicant prior to filing the application;
- Review plan corrections based on comments made by the applicant with respect to staff's comments during the discovery meeting;
- Advise the applicant of any additional revisions that are necessary prior to filing the application; and
- Provide general assistance by City staff on the overall design of the plan.

#### **Schedule a Meeting**

Applicants may schedule a meeting by creating an account and submitting a request at: <https://energov.olatheks.org>. For more information contact the Planning Division at 913-971-8750, Monday through Friday, 8 a.m. to 5 p.m.

*Please be aware that the meetings are not intended to cover all issues related to the development process, and decisions/discussions during the pre-application process are subject to change based on information submitted at the time the application is filed.*

## **Step 2 – Project Evaluation Checklist**

*Applications missing any of the following items will be considered incomplete and rejected.*

### **Requirements:**

- **Application Form** complete with signatures, names, and addresses of owner and applicant
- **Filing Fee** (See [Planning Application Fees](#))
- **Ownership Affidavit form**
- **Legal Description** of the property as a Microsoft Word document
- **List** of property owners within notification area
- **Digital File** of all documents submitted for review (PDF format)
- **Applicable Letters/Sign-Offs** from private utility companies
- **Affidavits** from all adjacent property owners not joining in the application indicating their consent to the vacation (only required where vacation is not made by owners of lands adjoining both sides of the street, alley or easement to be vacated).
- **All other documents** required by Section UDO 18.94
- **Completed Checklist** (received during pre-application meeting)

## **Step 3 – Submit Application**

An application for vacation must be completed and submitted to City Planning with the proper filing fee, payable to the City of Olathe. See the Schedule of Fees and Charges for the applicable application fee. An application may be withdrawn at any time upon written request; however, no refund will be made after the application has been accepted. A complete application consists of all items identified in the Submittal Requirements checklist. (See attached pages)

***Vacation applications will be placed on the Planning Commission agenda based upon the completeness of the application submittal. All additional information, which is to support the application, must be submitted by the deadline date. Failure to meet the application submittal requirements checklist will result in the application being rejected.***

## **Step 4 – Development Review Committee**

Every application goes through a detailed staff review. Although a member of the Planning staff is assigned to coordinate the review of each application, the focal point of the process is the meeting of the Development Review Committee. This is a staff-only committee consisting of 10 to 15 representatives of various city departments that review each item on the agenda, and identifies relevant issues. From this meeting, the departments will prepare written comments on the proposed application. The staff comments will be sent to all parties listed on the application form (via fax or email) on the Wednesday before the Monday Applicant's Meeting. (See [Planning Commission Calendar](#))

The comments prepared by staff based on this meeting are intended to be a complete list of changes required by the applicant prior to the Planning Commission meeting. However, some circumstances may warrant additional staff comments following the applicant meeting to ensure compliance with city codes and ordinances. For example, if a change is requested by city staff and the solution presented by the applicant creates an unforeseen issue, staff may provide additional comments to correct the problem.

## **Step 5 – Applicant's Meeting**

*Depending on the complexity of the project, this meeting may be waived at the discretion of the City Planning representative.*

The applicant will meet with staff (generally, Planning, Public Works, Code Administration, Fire, Utilities, Traffic and Parks) in City Hall. **This meeting is *not* the appropriate forum to discuss policy issues or negotiate any agreements.**

The purpose of the applicant's meeting is to:

- Allow City staff to present preliminary comments regarding the development plans and discuss revisions with the applicant.
- Give the applicant an opportunity to ask questions.
- Work out a schedule for submitting revised plans.

If a case involves policy issues or items that may be resolved through a development agreement, City Planning will schedule a separate meeting with appropriate City staff. However, alternative solutions to technical problems that are within the authority of the staff to consider may be discussed. If an applicant has questions, it would be helpful to call ahead of time so the staff can be prepared with answers at the meeting. If extensive changes are being made or more information is needed to adequately review the application (e.g. additional traffic or engineering studies), then the application may be "continued" (i.e., rescheduled to a later Planning Commission meeting date to allow time for the necessary work to be completed).

## **Step 6 – Planning Commission Meeting**

The Olathe City Planning Commission meets on the 2nd and 4th Monday of each month at 7:00 PM in the City Hall Council Meeting Room at 100 E. Santa Fe. THE AGENDA AND STAFF REPORTS WILL BE AVAILABLE THE WEDNESDAY PRECEDING THE PLANNING COMMISSION MEETING. The chairperson will open the public hearing for each case to hear presentations by the planning staff, the owner or authorized agent, and the audience, respectively. After everyone has had the opportunity to speak, the Planning Commission will close or continue the public hearing to a later date. After the public hearing is closed, discussion will be limited to the Planning Commissioners and action will be taken in the form of a recommendation for approval or denial to the City Council.

After the conclusion of the public hearing, a 14 day protest period begins. During the protest period, property owners within the notification area of the subject property may file, with the City Clerk, a petition indicating their protest to the requested vacation. The submission of valid protest petitions from property owners of 20 percent of the land within the notification area of the subject property within the allotted time will require a three-quarter vote for approval by the City Council. Copies of protest petitions and instruction sheet may be obtained from City Planning or the City Clerk.

Presentations should be a brief description of the proposed project and include responses to any concerns raised in the City staff's report and any additional information which the applicant wishes to bring to the meeting (for example, color renderings, maps, photographs, or petitions). All additional information shall be provided to staff in advance, so it can be included in the Commissioners' packets.

## **Step 7 – City Council**

Vacations of public reservation require approval by the Governing Body. The Olathe City Council meets on the first and third Tuesday of each month at the Council Chambers of City Hall at 100 East Santa Fe at 7:00 p.m. The format of the meeting is similar to that used by the Planning Commission and applicants should be prepared to make a similar type of presentation. If necessary after the City Council has listened to the presentations and to any public comments, they will discuss the application and then take action. The City Council can approve the Vacation, approve with conditions, deny, or remand the application back to the Planning Commission.

The Governing Body shall approve the petition and shall order by ordinance that such vacation be made, if it determines from the evidence that:

- Due and legal notice has been given by publication as required herein.
- 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 or applicants the application should be granted.

A petition shall not be granted if, at the time of or before the hearing, a written objection is filed with the Governing Body by the owner or adjoining owner who would be a proper party to the application but has not joined

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In the event that any section of this document conflicts with the City's *Unified Development Ordinance (UDO)*, the requirements of the *UDO* shall prevail.



FEE \$180 CASE NO: VAC \_\_\_\_\_

REC'D BY \_\_\_\_\_ PC DATE \_\_\_\_\_

DATE \_\_\_\_\_ PLANNER \_\_\_\_\_

**STAFF USE ONLY**

### PETITION FOR VACATION OF STREET, ALLEY, OR PUBLIC RESERVATION

*Please Print or Type*

SELECT ONE:     STREET ROW     ALLEY     EASEMENT     OTHER

**REASON FOR PETITION:** \_\_\_\_\_  
 \_\_\_\_\_

**LEGAL DESCRIPTION:** \_\_\_\_\_  
 \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**PROPERTY OWNER NAME:** \_\_\_\_\_ **COMPANY** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **SUITE** \_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**PHONE** \_\_\_\_\_ **FAX** \_\_\_\_\_ **EMAIL ADDRESS** \_\_\_\_\_

**ENGINEER/ARCHITECT NAME:** \_\_\_\_\_ **COMPANY** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **SUITE** \_\_\_\_\_

**CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_ **ZIP** \_\_\_\_\_

**PHONE** \_\_\_\_\_ **FAX** \_\_\_\_\_ **EMAIL ADDRESS** \_\_\_\_\_

NOTE: PLEASE SUBMIT ALL DOCUMENTS DIGITALLY INCLUDING, BUT NOT LIMITED TO: LEGAL DESCRIPTION OF THE PROPERTY (WORD), THE SITE PLAN OR PLAT (PDF), AND ALL REQUIRED STUDIES OR REPORTS (PDF).

Names and Signatures of affected property Owners:

NAME	SIGNATURE	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____

# CITY OF OLATHE

## Ownership Affidavit

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STATE OF KANSAS            )

ss.

COUNTY OF JOHNSON        )

Comes now \_\_\_\_\_ (owner) who being duly sworn upon his/her  
oath, does state that he/she is the owner of the property legally described as

\_\_\_\_\_  
\_\_\_\_\_.

In the application for \_\_\_\_\_.

(description of application)

Acknowledge the submission of said application and agree to bind the subject property in  
accordance with the plan submitted as part of the above application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

**CITY OF OLATHE**  
**Property Owner Notification Letter**

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Case No. \_\_\_\_\_

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting room at 100 E. Santa Fe, Olathe, Kansas, to consider a **VACATION** for \_\_\_\_\_ on the following described tract of land:

**Legal Description:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**General Location:** \_\_\_\_\_ (See general location map attached)

A public hearing will be held to consider the vacation on the above-described tract at 7:00 PM on \_\_\_\_\_, 20\_\_\_\_. Any interested persons or property owners are invited to attend. Information regarding this application is available in the Planning Division at City Hall (phone 913-971-8750), City Planning Division, or you may contact the undersigned for additional information regarding this vacation.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three- quarters ( $\frac{3}{4}$ ) vote of the City Council is required to approve this rezoning request.

Copies of the protest petitions are available from City Planning Division, or from the City Clerk.

Respectfully,

\_\_\_\_\_  
Applicant (or Owner or Agent)

PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP: \_\_\_\_\_

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*In compliance with the Americans with Disabilities Act, the City of Olathe will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 913-971-8521 a minimum of 48 hours prior to the meeting.*



# CITY OF OLATHE

## Property Owner Notification Affidavit

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STATE OF KANSAS        )

Case No. \_\_\_\_\_

ss.

COUNTY OF JOHNSON    )

I, \_\_\_\_\_, of lawful age being first duly sworn upon oath, state:

That I am the \_\_\_\_\_ (agent, owner, attorney) for the property for which the application was filed and did, not later than twenty (20) days prior to the date of the public hearing scheduled before the Planning Commission, mail certified notice to all persons owning property within the notification area (two hundred [200] feet in the city of Olathe; one thousand [1,000] feet in the unincorporated area) of the subject property, in compliance with the UDO, Chapter 18.12, Section 18.12.080. These notices were mailed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Further affiant saith naught.

\_\_\_\_\_  
Signature of Agent, Owner, or Attorney

\_\_\_\_\_  
Printed Name

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

## Private Utility Contact List



PROPERTY ADDRESS \_\_\_\_\_ SUITE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

<b>Telephone</b>	<p>AT&amp;T</p> <p>Attn: Jennifer Taylor 9444 Nall Avenue Overland Park, KS 66207</p> <p>Phone: 913-328-2283 E-mail: <a href="mailto:jt7784@att.com">jt7784@att.com</a></p>	<p>_____</p> <p>Signature of Representative</p> <p>_____</p> <p>Position <span style="float: right;">Date</span></p>
<b>Cable Television</b>	<p>COMCAST</p> <p>Attn: John Meadows 3400 NW Duncan Road Blue Springs, MO 64015</p> <p>Phone: 816-795-2257 E-mail: <a href="mailto:john_meadows@cable.comcast.com">john_meadows@cable.comcast.com</a></p>	<p>_____</p> <p>Signature of Representative</p> <p>_____</p> <p>Position <span style="float: right;">Date</span></p>
<b>Natural Gas</b>	<p>Atmos Energy</p> <p>Attn: Richard Yunghans 25090 W/ 110<sup>th</sup> Terrace Olathe, KS 66061</p> <p>Phone: 913-254-6355 E-mail: <a href="mailto:richard.yunghans@atmosenergy.com">richard.yunghans@atmosenergy.com</a></p>	<p>_____</p> <p>Signature of Representative</p> <p>_____</p> <p>Position <span style="float: right;">Date</span></p>
<b>Telephone</b>	<p>Century Link</p> <p>Attn. Andy Tuttle 435 E. Main Gardner KS 66030</p> <p>Phone:913-856-2232 Email: <a href="mailto:andy.w.tuttle@centurylink.com">andy.w.tuttle@centurylink.com</a></p>	<p>_____</p> <p>Signature of Representative</p> <p>_____</p> <p>Position <span style="float: right;">Date</span></p>
<b>Electricity</b>	<p>Evergy – Kansas Metro area</p> <p>Phone: 888-471-5275</p>	<p>_____</p> <p>Signature of Representative</p> <p>_____</p> <p>Position <span style="float: right;">Date</span></p>

## Private Utility Contact List



<b>Sanitary Sewer Water</b>	Johnson County Waste Water  Attn. Tim Reeves 11811 S. Sunset Dr. Suit 2500 Olathe, KS 66061-7061  Phone: 913-715-8533 E-mail: <a href="mailto:tim.reeves@jcw.org">tim.reeves@jcw.org</a>	<hr/> <b>Signature of Representative</b> <hr/> <b>Position</b> <span style="float: right;"><b>Date</b></span>
<b>Water</b>	WaterOne  Attn. Bert Mattis 10747 Renner Blvd. Lenexa, KS 66219  Phone: 913-895-5737 E-mail: <a href="mailto:bmattis@waterone.org">bmattis@waterone.org</a>	<hr/> Signature of Representative <hr/> Position <span style="float: right;">Date</span>
<b>Cable</b>	Consolidated Communications  Attn: Tim LaForce 9701 Lackman Road Lenexa, KS 66219  Phone: 913.322.9953 E-mail: <a href="mailto:Tim.LaForce@consolidated.com">Tim.LaForce@consolidated.com</a>	<hr/> Signature of Representative <hr/> Position <span style="float: right;">Date</span>

Updated 09/2020