

**Ordinance No. 24-42**

**AN ORDINANCE EXCLUDING CERTAIN LANDS FROM THE CITY OF OLATHE, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF KSA 12-504, ET. SEQ.**

**WHEREAS**, the Governing Body of the City of Olathe, Kansas, has received a petition from the owner of the following described real property requesting that such property be excluded from the City of Olathe, Kansas:

ALL THAT PART OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST; THENCE NORTH 1° 50' 33" WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 175TH STREET, THE POINT OF BEGINNING; THENCE SOUTH 88° 06' 22" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 1891.91 FEET TO A POINT; THENCE NORTH 89° 59' 05" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 600.33 FEET TO A POINT; THENCE NORTH 58° 27' 25" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 35.91 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF CLARE ROAD; THENCE NORTH 4° 33' 14" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 200.25 FEET TO A POINT; THENCE NORTH 16° 26' 06" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 98.23 FEET TO A POINT; THENCE NORTH 1° 41' 29" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 363.68 FEET TO A POINT; THENCE NORTH 8° 50' 52" EAST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 191.30 FEET TO A POINT; THENCE NORTH 1° 09' 30" EAST ALONG THE EAST RIGHT OF WAY LINE CLARE ROAD A DISTANCE OF 1105.95 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH 56° 11' 53" EAST, HAVING A RADIUS OF 11,609.16 FEET, THROUGH A CENTRAL ANGLE OF 4° 43' 03", AN ARC DISTANCE OF 955.86 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 87° 17' 46" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 351.60 FEET TO A POINT THAT LIES 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 1° 51' 33" WEST FOLLOWING A LINE FORMED BY STRIKING A LINE BETWEEN A POINT

LYING 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21 AND A POINT LYING 37.00 FEET WEST OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 267.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH 49° 17' 09" EAST, HAVING A RADIUS OF 11609.16 FEET, THROUGH A CENTRAL ANGLE OF 5° 15' 23", AN ARC DISTANCE OF 1065.03 FEET TO A POINT; THENCE NORTH 44° 01' 46" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 1111.52 FEET TO A POINT; THENCE NORTH 50° 52' 20" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 503.59 FEET TO A POINT; THENCE NORTH 44° 01' 46" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH 39° 34' 26" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 386.17 FEET TO A POINT; THENCE SOUTH 45° 58' 14" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 205.00 FEET TO A POINT; THENCE NORTH 44° 01' 46" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 171.20 FEET TO A POINT; THENCE SOUTH 53° 17' 01" EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 67.05 FEET TO A POINT THAT IS 363.45 FEET NORTHWESTERLY OF INTERSTATE I-35 HIGHWAY RIGHT OF WAY, 812 FEET RIGHT OF CENTERLINE STATION 717 + 11, AS ESTABLISHED IN PROJECT 50-46-I-02-3(10) PART 2 (AS MEASURED ALONG SAID RIGHT OF WAY LINE); THENCE SOUTH 1° 54' 42" EAST A DISTANCE OF 969.14 FEET TO THE A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE SOUTH 87° 35' 10" WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 1321.33 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 1° 50' 30" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21 A DISTANCE OF 1338.85 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE SOUTH 1° 50' 33" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 2552.59 FEET TO THE POINT OF BEGINNING, EXCEPT ANY PART USED OR DEDICATED FOR STREETS ROADS AND PUBLIC RIGHTS OF WAY.

; and

**WHEREAS**, the Governing Body did give notice in the official newspaper of general circulation in the vicinity of the area to be excluded on the 10<sup>th</sup> day of September, 2024; and

**WHEREAS**, the Governing Body did hold a public hearing on the petition requesting exclusion on the 15<sup>th</sup> day of October, 2024, and heard such testimony as required in order to fully understand the true nature of the petition and the propriety of granting the same.

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

**SECTION ONE:** The Governing Body does hereby find:

- A. Due and legal notice was given by publication as required by law;
- B. No private rights will be injured or endangered by such exclusion;
- C. The public will suffer no loss or inconvenience by such exclusion; and
- D. The prayer of the petitioners should be granted.

**SECTION TWO:** That pursuant to KSA 12-504, et. seq., the Governing Body of the City of Olathe, Kansas, deems it advisable to, and does order, the exclusion and removal of the following land from the boundaries of the City of Olathe, to-wit:

ALL THAT PART OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST, IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 14 SOUTH, RANGE 23 EAST; THENCE NORTH 1° 50' 33" WEST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 175TH STREET, THE POINT OF BEGINNING; THENCE SOUTH 88° 06' 22" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 1891.91 FEET TO A POINT; THENCE NORTH 89° 59' 05" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 600.33 FEET TO A POINT; THENCE NORTH 58° 27' 25" WEST ALONG THE NORTH RIGHT OF WAY LINE OF 175TH STREET A DISTANCE OF 35.91 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF CLARE ROAD; THENCE NORTH 4° 33' 14" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 200.25 FEET TO A POINT; THENCE NORTH 16° 26' 06" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 98.23 FEET TO A POINT; THENCE NORTH 1° 41' 29" WEST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 363.68 FEET TO A POINT; THENCE NORTH 8° 50' 52" EAST ALONG THE EAST RIGHT OF WAY LINE OF CLARE ROAD A DISTANCE OF 191.30 FEET TO A POINT; THENCE NORTH 1° 09' 30" EAST ALONG THE EAST RIGHT OF WAY LINE

CLARE ROAD A DISTANCE OF 1105.95 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH  $56^{\circ} 11' 53''$  EAST, HAVING A RADIUS OF 11,609.16 FEET, THROUGH A CENTRAL ANGLE OF  $4^{\circ} 43' 03''$ , AN ARC DISTANCE OF 955.86 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH  $87^{\circ} 17' 46''$  EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 21 A DISTANCE OF 351.60 FEET TO A POINT THAT LIES 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH  $1^{\circ} 51' 33''$  WEST FOLLOWING A LINE FORMED BY STRIKING A LINE BETWEEN A POINT LYING 33.00 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21 AND A POINT LYING 37.00 FEET WEST OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 21, A DISTANCE OF 267.10 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 AND ALONG A CURVE TO THE LEFT WHOSE INITIAL TANGENT BEARS NORTH  $49^{\circ} 17' 09''$  EAST, HAVING A RADIUS OF 11609.16 FEET, THROUGH A CENTRAL ANGLE OF  $5^{\circ} 15' 23''$ , AN ARC DISTANCE OF 1065.03 FEET TO A POINT; THENCE NORTH  $44^{\circ} 01' 46''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 1111.52 FEET TO A POINT; THENCE NORTH  $50^{\circ} 52' 20''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 503.59 FEET TO A POINT; THENCE NORTH  $44^{\circ} 01' 46''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 100.00 FEET TO A POINT; THENCE NORTH  $39^{\circ} 34' 26''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 386.17 FEET TO A POINT; THENCE SOUTH  $45^{\circ} 58' 14''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 205.00 FEET TO A POINT; THENCE NORTH  $44^{\circ} 01' 46''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 171.20 FEET TO A POINT; THENCE SOUTH  $53^{\circ} 17' 01''$  EAST ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF INTERSTATE HIGHWAY I-35 A DISTANCE OF 67.05 FEET TO A POINT THAT IS 363.45 FEET NORTHWESTERLY OF INTERSTATE I-35 HIGHWAY RIGHT OF WAY, 812 FEET RIGHT OF CENTERLINE STATION 717 + 11, AS ESTABLISHED IN PROJECT 50-46-I-02-3(10) PART 2 (AS MEASURED ALONG SAID RIGHT OF WAY LINE); THENCE SOUTH  $1^{\circ} 54' 42''$  EAST A DISTANCE OF 969.14 FEET TO THE A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION

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and any and all adjacent road right-of-way;

**SECTION THREE:** That the City Clerk shall file a certified copy of this Ordinance with the County Clerk, the Register of Deeds and the County Election Commissioner of Johnson County, Kansas.

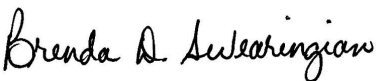
**SECTION FOUR:** That this Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED** by the Governing Body this 15<sup>th</sup> day of October 2024.

**SIGNED** by the Mayor this 15<sup>th</sup> day of October 2024.

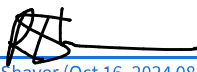
  
John W Bacon (Oct 16, 2024 08:21 CDT)  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk  
(Seal)



APPROVED AS TO FORM:

  
Ron Shaver (Oct 16, 2024 08:11 CDT)  
\_\_\_\_\_  
City Attorney