

ORDINANCE NO. 2016-12-4423

AN ORDINANCE AUTHORIZING THE VACATING OF A PORTION OF THE 300 BLOCK OF SOUTH 7TH STREET TOGETHER WITH A PORTION OF THE 700 BLOCK OF WEST ADAMS AVENUE ADJACENT TO THE COWLEY COLLEGE SOFTBALL FIELD, ALL LOCATED IN ARKANSAS CITY, COWLEY COUNTY, KANSAS.

WHEREAS, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-504, has considered the proposed vacation of the public right-of-way at issue, and recommended the City grant the petition to vacate reserving a utility easement over the entire area; and

WHEREAS, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the vacating of the public right-of-way at issue.

NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: The property legally described as:

SEE ATTACHED SURVEY AND LEGAL DESCRIPTION WHICH ARE INCORPORATED BY REFERENCE AS IF FULLY SET FORTH HEREIN.

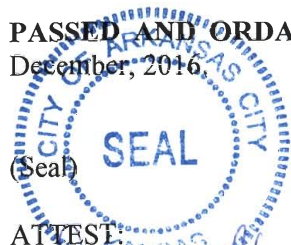
IS HEREBY VACATED subject to the following:

1. The City hereby reserves a 16-foot utility easement for use by the City, including but not necessarily limited to, the existing sanitary sewer and future improvements thereto, as shown on the attached legal description and extending along the west and south borders of the vacated property; and
2. The property owner, at its sole cost and expense, shall pay to relocate the existing water meter on the property to City right-of-way pursuant to the approved site plan for the project.

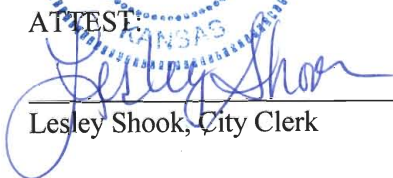
SECTION TWO: The City Clerk shall make proper notification of this Ordinance which shall be in full force and effect thirty (30) days after either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney unless one or more interested parties files a written protest before the expiration of such time with the office of City Clerk. If such written protest is filed, the Governing Body of the City is required to convene a Public Hearing to consider any and all objections to the proposed Ordinance and, upon conclusion of the Hearing, is required to either confirm the vacating Ordinance and file the same with the County Clerk and Register of Deeds office or if not confirmed, the vacating Ordinance shall be void and have no force and effect.


SECTION THREE: A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this 6th day of December, 2016.



ATTEST:


Lesley Shook, City Clerk


Duane L. Oestmann, Mayor

APPROVED AS TO FORM



Tamara Niles, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2016-12-4423 of the City of Arkansas City, Kansas adopted by the governing body on December 6, 2016, 2016 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk