

ORDINANCE NO. 2020-02-4507

AN ORDINANCE AUTHORIZING THE VACATING OF THAT PORTION OF 8TH STREET LYING BETWEEN GOFF INDUSTRIAL PARK ROAD AND THE HALF SECTION LINE OF SECTION 12, TOWNSHIP 34 SOUTH, RANGE 3 EAST, 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; and

WHEREAS, the City of Arkansas City Planning Commission and the Technical Advisory Committee determined that an access and utility easement would be necessary to maintain access to utilities and for emergency vehicles; 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:

All of 8th Street from the North line of Goff Industrial Park Road north to the half section line (center of section) of Section 12 Township 34 South Range 3 East of the 6th Principal Meridian, Arkansas City, Cowley County, Kansas.

IS HEREBY VACATED, but the City specifically reserves an access and utility easement over the entire described area for existing and/or future utilities as well as emergency vehicle access.

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 of Arkansas City, Kansas, 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 18th day of February, 2020.

Karen Welch, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM:

Larry R. Schwartz, City Attorney