

ORDINANCE NO. 3345

**AN ORDINANCE VACATING THE 700 BLOCK OF N. SPRUCE STREET AND
RETAINING A UTILITY EASEMENT**

WHEREAS, a right-of-way vacation petition was received by the City Clerk's Office bearing the signatures of the owners of the adjacent property, the Unified School District No. 435; and

WHEREAS, public notice of the hearing appeared in the Abilene Reflector Chronicle on January 22, 2018, and notice has been provided by mail to the adjacent owner, who is also the petitioner; and

WHEREAS, an investigation of public utility facilities in the proposed right-of-way vacation reveal that none are present;

WHEREAS, the Abilene Planning Commission held a public hearing and recommended approval of the petition on January 9, 2018;

WHEREAS, the Governing Body finds that there is no foreseeable public need for the 700 block of N. Spruce Street;

WHEREAS, the 700 block of N. Spruce Street was previously vacated, subject to a right of reversion to the City of Abilene, Kansas, as detailed pursuant to Ordinance No. 290 (filed with the Dickinson County Register of Deeds on December 19, 1906); and

WHEREAS, approval of the petition filed by the owners of the adjacent property replaces and supersedes Ordinance No. 290 with a right-of-way vacation that excludes any reversion right to the City of Abilene, Kansas or other party.

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

SECTION 1. Vacation. Pursuant to K.S.A. 14-423, the following portion of right-of-way located in the City of Abilene, Kansas, is hereby unconditionally vacated in perpetuity and with ownership reverting to the owner of the adjacent private property.

700 Block of N. Spruce Street located adjacent to Lots, 5, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, and 129 of the Southwick and Augustine's Addition to the City of Abilene, Dickinson County, Kansas.

SECTION 2. Easement Retained. The City of Abilene retains a utility easement in the event such land is needed in the future for the provision of public utilities.

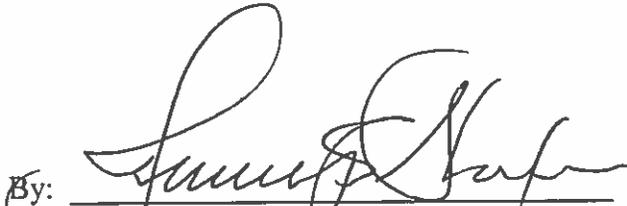
SECTION 3. Effective Date. This ordinance shall become effective and in full force from and

after its passage, adoption and publication in the official City newspaper.

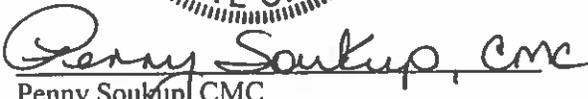
PASSED AND ADOPTED by the Governing Body of the City of Abilene, Kansas this 12th day of February, 2017.

CITY OF ABILENE, KANSAS



By: 
Timothy Shafer, Mayor

ATTEST:


Penny Soukup CMC
City Clerk

APPROVED AS TO FORM:


Mark A. Guilfoyle, City Attorney