

ORDINANCE NO. 18-18-3368

AN ORDINANCE ORDERING THE VACATION OF CERTAIN PUBLIC RIGHT-OF-WAY FOR STREET AND ALLEYS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 2 EAST OF THE 6TH PM, BEING NORTHEAST OF BUCKEYE AVENUE AND FIRST STREET, AND GENERALLY DESCRIBED AS THE EAST COURTHOUSE PARKING LOT ALLEYS AND COURT STREET, ALL WITHIN THE CITY OF ABILENE, KANSAS.

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

Section 1. Petition and Public Hearing. On November 26, 2018, the Governing Body conducted a public hearing (“Public Hearing”) on the petition filed by Brad L. Homman, County Administrator for Dickinson County, Kansas, on behalf of the Dickinson County Commissioners, and Eric S. Dockins (“Petitioners”) requesting vacation of the following described portions of public right-of-way:

All in the SE ¼ of Section 16, Township 13 South, Range 2 East of the 6th PM, being northeast of Buckeye Ave and First Street in the City of Abilene, Kansas, vacate the following:

East Courthouse parking lot alleys---The east-west alley being adjacent and between lots 9, 10, 11, & 12 in Block 2 of Geo Carpenters Addition to the City of Abilene (see plat) and lots 3, 4, 5, and 6 in the replat of Belle Springs Park Addition to the City of Abilene (see plat), and the north-south alley between lot 13 of Geo Carpenters Addition to the City of Abilene and lot 3 of the replat of Belle Springs Park Addition to the City of Abilene (collectively referred to as “the Alley Right-of-Way”); and

Court Street---The street on the EAST side of Fishers Addition to the City of Abilene (see plat), from the north line of First Street, being the south line of Lot 1, to the south line of Cottage Avenue, being the north line of lot 8, and the street WEST of lot 9 in Geo Carpenters Addition to the City of Abilene (see plat), from the north line of First Street, being the south line of lot 9, to the north line of the east-west alley north of lot 9 of Geo Carpenters Addition to the City of Abilene, and the West 20 feet of the South 143 feet of lot 6 of the replat of Belle Springs Park Addition to the City of Abilene (see plat) (collectively referred to as “the Street Right-of-Way”)

Section 2. Findings and Conclusions. The Governing Body determines from the evidence presented:

- A. Due and legal notice of the Public Hearing has been given by publication as required by law.

not affect any other properties or property owners.

- D. That in justice to the Petitioners vacation of the Right-of-Way should be granted because the continued presence of the Right-of-Way no longer serves a public purpose and is inhibiting redevelopment.

Section 3. Order of Vacation. The Right-of-Way is ordered vacated. The entire vacated Street Right-of-Way shall revert in accordance with K.S.A. 12-506. The entire vacated Alley Right-of-Way is retained as a public utility easement for public and franchise utilities located in said Alley Right-of-Way now in existence and use, and shall revert, subject to the retained public utility easement, in accordance with K.S.A. 12-506.

Section 4. Certified Copy. A certified copy of this Ordinance signed by the City Clerk for the City of Abilene, Kansas, shall be recorded in the Office of the Register of Deeds, Dickinson County, Kansas.

Section 5. Summary of Ordinance for Publication. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper by the following summary:

Ordinance No. 18-3368 Summary

On December 10, 2018, the City Commission passed Ordinance No. 18-3368. The ordinance vacates certain public right-of-way for street and alleys located in the Southeast Quarter of Section 16, Township 13 South, Range 2 East of the 6th PM, being northeast of Buckeye Avenue and First Street in the City of Abilene, Kansas, and generally described as the east courthouse parking lot alleys and Court Street. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway Street in Abilene, Kansas, free of charge. This summary is certified by the City's legal counsel.

APPROVED AND PASSED by the Governing Body of the City of Abilene, Kansas, this 10th day of December, 2018.

Attest:



Penny L. Soukup
Penny L. Soukup, City Clerk

Timothy B. Shafer
Dr. Timothy B. Shafer, Mayor

The publication summary set forth above is certified this 10th day of December, 2018.

Aaron O. Martin
Aaron O. Martin, City Attorney

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