

ORDINANCE 23-3426

AN ORDINANCE ORDERING THE VACATION OF AN ALLEY LOCATED BETWEEN LOTS 3, 4, 5, 12, 13, AND 14, BLOCK 14, ORIGINAL TOWN ABILENE, COUNTY OF DICKINSON, STATE OF KANSAS.

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

Section 1. Petition and Public Hearing. On January 4, 2023, the Planning Commission conducted a public hearing (“Public Hearing”) on the petition filed by St. Andrews Church and School, on behalf of the Roman Catholic Church – St Andrews (“Petitioners”) requesting vacation of the following described portion of alley:

That portion of the 15-foot alley located between Lots 3, 4, 5, 12, 13, and 14, Block 14, Original Town Abilene, County of Dickinson, State of Kansas.

Section 2. Findings and Conclusions. The Planning Commission determined from the evidence presented:

- A. That the Petitioners request of the vacation of the alley should be granted because the continued presence of the alley no longer serves a public purpose and is inhibiting the planned expansion project of St Andrews Elementary School.
- B. A permanent utility easement agreement has been presented to retain a utility easement for the existing and future utilities within the legal description of the alley vacation request.

Section 3. Order of Vacation. The alley is ordered vacated. The entire vacated alley shall revert in accordance with K.S.A. 12-506. The entire vacated alley is retained as a public utility easement for existing and future public and franchise utilities located in said alley and the retained public utility easement shall be subject to the terms of the permanent utility easement to be executed and delivered to the City as a condition of the City Clerk’s publication of this ordinance, 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 23-3426 Summary

On January 23, 2023, the City Commission passed Ordinance 23-3426. The ordinance vacates that portion of the 15-foot alley located between Lots 3, 4, 5, 12, 13, and 14, Block 14, Original Town Abilene, County of Dickinson, State of Kansas. A complete copy of the ordinance is available online at www.abilenecityhall.com or in the office of the City Clerk, 419 N. Broadway St 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 23rd day of January 2023.




Trevor D. Witt, Mayor

Attest:


Shayla L. Mohr, City Clerk

The publication summary set forth above is certified this 23rd day of January 2023.


Aaron O. Martin, City Attorney

PERMANENT UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the Roman Catholic Diocese of Salina, Kansas., hereinafter called Grantor, in consideration of one dollar (\$1.00) and other valuable consideration paid by The City of Abilene, Kansas, a municipal corporation, hereinafter called the City, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to the City, its successors, and authorized franchisees, a perpetual easement with the right to erect, construct, install and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove underground utility lines and/or pipelines and appurtenances thereto over and across the following land owned by Grantor in Dickinson County, State of Kansas:

That portion of the Fifteen (15) foot alley located between Lots 3, 4, 5, 12, 13 and 14, Block 14, Original Town Abilene, County of Dickinson, State of Kansas.

Together with the right of ingress and egress over Grantor's premises for the purposes for which the above-mentioned rights are granted. The consideration recited herein shall constitute payment in full for all damages sustained by Grantor by reason of the installation of the structures referred to herein and the Grantee will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use of Grantor's

premises; provided, however, that the easement shall not affect Grantor's obligation to maintain the real estate.

This Agreement, together with other provisions of this grant, shall constitute a covenant running with the land for the benefit of the Grantee, its successors, and authorized franchisees. The Grantor covenants that it is the owner of the above-described lands and that said lands are free and clear of all encumbrances and liens.

IN WITNESS WHEREOF the Grantor has executed this instrument this 3rd day of January, 2023 .

ROMAN CATHOLIC DIOCESE OF
SALINA

BY:

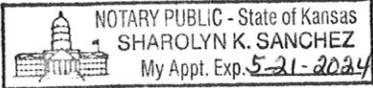
Fr. Peter O'Donnell

Fr. Peter O'Donnell

STATE OF KANSAS, COUNTY OF DICKINSON, ss:

BE IT REMEMBERED, That on this 3rd day of January, 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Fr. Peter O'Donnell, who is personally known to me to be the same person who executed the within instrument of writing on behalf of said Diocese, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.



Sharolyn K. Sanchez

Notary Public
My term expires: 5-21-2024