ORDINANCE NO. S-12-10

AN ORDINANCE VACATING A PORTION OF A STREET, AS DESCRIBED MORE PARTICULARLY IN THE BODY HEREOF; BUT RESERVING TO THE CITY AND OWNERS OF ANY LESSER PROPERTY RIGHTS, ALL RIGHTS-OF-WAYS AND EASEMENTS FOR PUBLIC SERVICE FACILITIES ORIGINALLY HELD IN SUCH STREET, EASEMENT, OR PUBLIC RESERVATION CURRENTLY IN EXISTENCE AND USE, ALL AS PROVIDED BY K.S.A. 12-504 ET SEQ., AS AMENDED, AND K.S.A. 13-443, AS AMENDED.

WHEREAS, a petition has been filed in the Office of the City Clerk of the City of Coffeyville praying for the vacation of a portion of street, as described herein in the City of Coffeyville, Montgomery County, Kansas; and

WHEREAS, the Governing Body of the City of Coffeyville has determined that due and legal notice of the hearing regarding the vacation request has been given by publication as required by K.S.A. 12-504, et seq., as amended; and

WHEREAS, the Governing Body of the City of Coffeyville has determined from the proofs and evidence presented at the public hearing on September 25, 2012, that no private rights will be injured or endangered by such vacation and that the public will suffer no loss or inconvenience thereby, by the vacation requested, as described herein; and

WHEREAS, the Governing Body of the City of Coffeyville has determined that in justice to the petitioners, the prayer of the petitioners ought to be granted.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the City of Coffeyville, Kansas, as follows:

SECTION 1. That a portion of street located, as more particularly described below, is hereby vacated; reserving, however, to the City and owners of any lesser property rights, all rights-of-ways and easements for public service facilities originally held in such street, easement, or public reservation currently in existence and use, to-wit:

Street Vacation

A 60-foot wide platted street (known as Brookwood Drive) located in a portion of Cline's Westwood Addition to the City of Coffeyville, Montgomery County, Kansas said proposed vacated street being more particularly described as follows:

Beginning at the Northeast corner of Lot 4, Block 12, of said Cline's Westwood Addition

Thence East 60 feet along the extended North Right of Way line of said Block 12, to the Northwest corner of Lot 1, Block 11, of said Cline's Westwood Addition

Thence South along the West line of said Block 11 to the Southwest corner of Lot 8, Block 11, of said Cline's Westwood Addition

Thence West 60 feet along the extended South Right of Way line of said Block 11, to the Southeast corner of Lot 5, Block 12, of said Cline's Westwood Addition

Thence North along the East line of said Block 12, to the Northeast corner of Lot 4, Block 12, said point also being the Point of Beginning.

The above-mentioned property shall be retained as a Utility Easement by the City of Coffeyville, a municipal corporation of the first class.

SECTION 2. That upon publication of this ordinance, the City Clerk shall file certified copies thereof in the office of the County Clerk and in the office of the Register of Deeds to be entered and recorded as provided by law.

SECTION 3. That this Ordinance shall be in full force and effect when the same is passed, signed and published as by law required.

PASSED AND APPROVED THIS 9th DAY OF OCTOBER, 2012.

_____
David George, Mayor

ATTEST:

_____
Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Paul Kritz, City Attorney