

(Summary First Published in the Times-Sentinel
on the ____ day of _____, 2017.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 903

AN ORDINANCE MAKING DETERMINATIONS AND
FINDINGS CONCERNING THE VACATION OF A PLATTED
EASEMENT IN THE CITY OF CHENEY, KANSAS AND
ORDERING VACATION OF THE SAME

WHEREAS, a petition was filed in the office of the City Clerk of Cheney, Kansas signed by the owners of the lands adjoining both sides of the easement described below praying for the vacation of the same; and

WHEREAS, in compliance with K.S.A. 12-504, notice of the date, time and place of the Cheney City Council's hearing to consider the petitioned-for vacation was published in the official Cheney city newspaper; and

WHEREAS, at the date, time and place specified in the notice published in compliance with K.S.A. 12-504, the Cheney City Council conducted a public hearing to hear such testimony as may be produced before it, and such other testimony as required in order to fully understand the true nature of the petition and the propriety of granting the same; and

WHEREAS, following the conclusion of the public hearing, the Cheney City Council made the following determinations and findings from the proofs and evidence presented and makes the following order concerning the petitioned-for easement vacation.

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

Section 1. Determinations and Findings

In accordance with K.S.A. 12-505, the Cheney City Council makes the following determinations and findings concerning the vacation of the easement described below:

- A. Due and legal notice of this petitioned-for vacation has been given by publication as required by K.S.A. 12-504,

- B. Because no public infrastructure has been installed in the easement to be vacated and the easement is not necessary to provide adequate utility service to any property within the City of Cheney, no private rights will be injured or endangered by such vacation and the public will suffer no loss or inconvenience thereby,
- C. In light of the testimony heard during the public hearing, in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted.

Section 2. The following described portion of previously dedicated platted easement is hereby annulled, vacated and discontinued, pursuant to the provisions of K.S.A. 12-505, to-wit:

That part of the 20 foot Utility Easement centered on the Lot Line Common to Lots 54 and 55, Block 3, The Greens at Cherry Oaks, an Addition to Cheney, Sedgwick County, Kansas, described as Commencing at the Rear Corner Common to said Lots 54 and 55; thence N54°25'44"W, along said Common Lot Line, 32 feet to the Point of Beginning; thence S35°34'16"W, 10 feet to the Southwesterly line of said 20 foot Utility Easement; thence N54°25'44"W, along said Easement Line, 90.01 feet to the Westerly Line of said Lot 55; thence Northeasterly, along the Northwesterly Line of said Lots 55 and 54, 20.07 feet to the Northeasterly Line of said 20 foot Utility Easement; thence S54°25'44"E, along the Northeasterly Line of said 20 foot Utility Easement, 91.71 feet to a Point N35°34'16"E from the Point of Beginning; thence S35°34'16"W, 10 feet to the Point of Beginning.

Section 3. No Easement Retained

The governing body hereby finds and determines that it is not necessary to reserve any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in the easement vacated by this Ordinance.

Section 4. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this 12th day of October, 2017.

Approved by the Mayor this 12th day of October, 2017.



SEAL


MAYOR, LINDA BALL

ATTEST:


CITY CLERK, DANIELLE YOUNG