

Chapter 29

VACATIONS AND RESERVATIONS

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29.01 Statement of Intent

When deemed to be in the public interest, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated.

29.02 Vacation by Petition

Petition for vacation of any street, alley or a public reservation shall be made as provided in Chapter 5 Applications and Procedures, and may be made by the City at the direction of the Planning Commission or Governing Body or by any owner of property on which the street, alley or public reservation lies or adjoins. Said petition shall be filed with the City Clerk and a copy of the petition given to the Secretary of the Planning Commission. Said petition shall comply with the provisions of Chapter 5, Section 5.30 and K.S.A. 12-504 to 506, and amendments thereto.

29.03 Vacation by Platting or Replatting

Any street, alley or public reservation, or portion thereof, may be vacated by a plat approved in accordance with the provisions of this ordinance, following public notice and hearing as provided in Chapter 5, Applications and Procedures, and K.S.A. 12-512b. Provided, that whenever a street, alley or public reservation has been vacated by platting or replatting, the following language, or language substantially similar to the following language, shall appear on the face of the plat:

"The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the

undersigned proprietor hereby absolves and agrees to indemnify the City of Cheney, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement."

29.04 Vacation by Ordinance

Any street, alley or public reservation, or portion thereof, may be vacated by ordinance adopted by the Governing Body, following public notice and hearing as provided in Chapter 5, Applications and Procedures. Any application for vacation by ordinance shall be filed with the City. Following the adoption of any ordinance vacating any street, alley or public reservation, or portion thereof, the City shall file a copy thereof, certified by the City Clerk as a true and correct copy, in the office of the Sedgwick County Clerk and in the office of the Register Of Deeds of Sedgwick County.

29.05 Reservation of Easements

In vacating any street, alley or public reservation, or portion thereof, either by plat or by ordinance, the City may reserve to the City and public utilities such rights-of-way and other easements as in the judgment of the City are necessary or desirable for public service.

29.06 Reversion of Land Vacated

Streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties as provided by KSA 12-506, and any amendments thereto.