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THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 882

AN ORDINANCE DECLARING IT TO BE IN THE INTEREST  
OF THE PUBLIC WELFARE AND SAFETY TO VACATE,  
DISCONTINUE AND RELEASE PORTIONS OF  
PREVIOUSLY DEDICATED PUBLIC EASEMENT AND/OR  
STREET RIGHT-OF-WAY IN THE CITY OF CHENEY,  
KANSAS

WHEREAS, in the interest of the City of Cheney, Kansas, it is desirable to vacate, discontinue and release portions of previously dedicated public easement and/or street right-of-way solely across the property of the Cheney Unified School District No. 268 to promote the public welfare and safety of the citizens of Cheney, Kansas and allow for the construction and expansion of new and existing school facilities; and

WHEREAS, K.S.A. 12-16,104 empowers cities in the state of Kansas to release previously dedicated public easement upon formal notification to the underlying property owner; and

WHEREAS, K.S.A. 15-427 empowers cities in the state of Kansas to release previously dedicated public street right-of-way; and

WHEREAS, the Cheney Unified School District No. 268, as the sole underlying property owner of said previously dedicated public easement and/or street right-of-way, requests this release and has formally waived notification of the same; and

WHEREAS, the Cheney Unified School District No. 268, as the sole underlying property owner of said previously dedicated public easement and/or street right-of-way, has provided the City of Cheney, Kansas with a utility service plan and accompanying replacement utility easement dedications to service existing school facilities as well as the proposed construction and expansion.

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

Section 1. Vacation and Release

It is hereby declared, pursuant to and in accordance with the provisions of K.S.A.

12-16,104 and K.S.A. 15-427, to be in the interest of public welfare and safety to annul, vacate, discontinue and release portions of previously dedicated public easement and/or street right-of-way as herein after more fully described.

Section 2. Description

The following described portions of previously dedicated public easement and/or street right-of-way is hereby annulled, vacated, discontinued and released, pursuant to and in accordance with the provisions of K.S.A. 12-16,104 and K.S.A. 15-427, to-wit:

A tract of land lying in the Southwest Quarter of Section 5, Township 28 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, said tract being more particularly described as follows:

COMMENCING at the southeast corner of said Southwest Quarter, thence along the west line of said Southwest Quarter on a Kansas coordinate system of 1983 south zone bearing of N00°52'21"W, 554.09 feet; thence S89°07'39"W, 35.00 feet to a point on the west right of way of Main Street dedicated in Right of Way Agreement Film 261, Page 1077, said point also being on the south line of an Utility Easement recorded in Film 153, Page 1185, and also being the POINT OF BEGINNING; thence along said south line, S88°41'57"W, 603.25 feet to a point on a west line of said Utility Easement recorded in Film 153, Page 1185, said point also being on the east right of way of Marshall Street described in said Film 327, Page 1532; thence along the extended said east right of way of Marshall Street, N00°38'54"W, 109.76 feet to a point on the north right of way described in said Film 327, Page 1532; thence along said north right of way line, N88°40'36"E, 602.83 feet to a point on the said west right of way of Main Street; thence along said west right of way of Main Street, S00°52'21"E, 110.00 feet to the POINT OF BEGINNING.

AND, An easement 15 feet in width, being 7.5 feet on either side of a centerline, described as follows:

From the southeast corner of the Southwest Quarter of Section 5, Township 28 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, North along the East line of said Southwest Quarter, with an assumed bearing of N00°00'00"E, a distance of 570.97 feet; thence N90°00'00"W, a distance of 93.20 feet to the point of beginning; thence N00°40'17"E, a distance of 100.32 feet; thence N89°59'52"W, a distance of 546.79 feet; thence S00°22'56"W, a distance of 107.61 feet to the end of said easement centerline.

AND, A tract of land lying in a portion of Block 46 in the City of Cheney, Kansas, as shown on the recorded plat thereof, said tract being more particularly described as follows:

COMMENCING at the northeast corner of the Northwest Quarter of Section 8, Township 28 South, Range 4 West of the Sixth Principal Meridian, Sedgwick County, Kansas, thence along the north line of said Northwest Quarter on a Kansas coordinate system of 1983 south zone bearing of S89°25'06"W, 543.60 feet; thence S00°34'54"E, 177.02 feet to a point on an east line of a twenty foot water and utility easement recorded on Film 1518, Page 1206, said point also being the POINT OF BEGINNING; thence along said east line, S08°49'56"E, 178.57 feet to a point on a south line of said twenty foot water and utility easement; thence along said south line, S81°10'04"W, 20.00 feet to a point on a westerly line of said twenty foot water and utility easement; thence along said westerly line, N08°49'56"W, 178.57 feet; thence N81°10'04"E, 20.00 feet to the POINT OF BEGINNING.

### Section 3. Attachment

Upon its annulment, vacation, discontinuance and release as a public easement and/or street right-of-way, said easement and/or street right-of-way shall attach to and become part of the real property directly underlying and adjacent to said vacated easement and/or right-of-way, all of said underlying and adjacent real property being currently owned by the Cheney Unified School District No. 268.

### Section 4. Filing

Upon or after its effective date, the City Clerk shall file a copy of this Ordinance which has been certified by her as a true and correct copy in the office of the Sedgwick County Clerk and in the office of the Sedgwick County Register of Deeds in accordance with the provisions of K.S.A. 15-427.

### Section 5. Effective Date

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

Adopted by the City Council this 16th day of July, 2015.

Approved by the Mayor this 16th day of July, 2015.

  
MAYOR, LINDA BALL



SEAL

ATTEST:

  
CITY CLERK, DANIELLE YOUNG