

(Summary First Published in the Haysville Sun-Times on the 24th day of June, 2021)

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1078

AN ORDINANCE VACATING A PORTION OF PLATTED UTILITY EASEMENT WITHIN TIMBER CREEK ESTATES ADDITION

WHEREAS, the owners of certain platted property have requested vacation of a 10 foot wide utility easement within Timber Creek Estates Addition; and

WHEREAS, on May 27, 2021, after providing notice to the public, the Haysville Planning Commission held a public hearing and considered the request to vacate said right-of-way at which time all interested persons in attendance were heard; and

WHEREAS, no written objections pursuant to KSA 12-505 to the proposed vacation was received by the Planning Commission at the time of or before the hearing; and

WHEREAS, the Planning Commission determined that due and legal notice of the petition to vacate was given as required by law, that no private rights will be injured or endangered by such vacation, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner, the prayer of the petition ought to be granted; and

WHEREAS, the Governing Body adopts the findings of the Planning Commission and finds that no private rights will be injured by such proposed vacation of the herein described portion of platted utility easement, and that the same should be granted as provided herein.

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

SECTION 1. The portion of the platted utility easement more particularly described as:

See attached Exhibit A.

Is hereby ordered to be vacated subject to the requirement(s) and reservation(s) contained in Section 2 herein.

SECTION 2. Any lesser property rights, rights-of-ways, and easements for public service facilities originally held and currently in existence within the above-described portion of platted utility easement are hereby reserved to the city and the owners of any lesser property rights for public utilities.

SECTION 3. Should any section, clause, sentence or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provision herein.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law.

SECTION 5. The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, et. seq. and amendments thereto.

Passed and Approved by the Governing Body of the City of Haysville, Kansas this 14th day of June, 2021.

Approved by the Mayor this 15th day of June, 2021.

Bruce Armstrong, Mayor

ATTEST:

Angela Millspaugh, City Clerk

Approved as to form:

Joshua Pollak, City Attorney