

ORDINANCE NO. S-12-08

AN ORDINANCE VACATING A PORTION OF STREETS, 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 streets, 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 August 28, 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 streets 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

New Street from the West Right of Way of Sunflower Street to the East Right of Way of Linden Street, Montgomery Addition to the City of Coffeyville, Montgomery County, Kansas.

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

A portion of Martin Street between Block 5 and Block 10, Montgomery's Addition to the City of Coffeyville, Montgomery County, Kansas, said vacation described more particularly as follows:


Beginning at the Northeast corner of Lot 5, Block 5, said Montgomery's Addition; thence West along the south Right of Way line of Martin Street to the east Right of Way of the South Kansas & Oklahoma Railroad; thence northeasterly along said East Right of Way to the North Right of Way line of said Martin Street; thence East along said North Right of Way to the Southwest corner of Lot 3, Block 10, said Montgomery's Addition; thence South to 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 11th DAY OF SEPTEMBER, 2012.



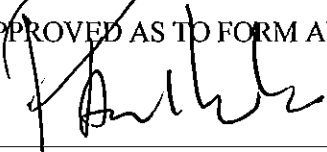
David George, Mayor

ATTEST:



Cindy Price, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Paul Kritz, City Attorney

