

ORDINANCE NO. 2264

AN ORDINANCE VACATING PLATTED ALLEYS GENERALLY LOCATED WITHIN THE BLOCK BOUND BY MARKET STREET, BUCKNER STREET, WASHINGTON AVENUE AND WATER STREET, MAP OF EL PASO, NOW DERBY, SEDGWICK COUNTY, KANSAS, REVERTING OF THE VACATED PLATTED ALLEY TO THE OWNERS OF REAL ESTATE ABUTTING SAID ALLEYS IN ACCORDANCE WITH LAW, AND RESERVING TO THE CITY AND THE OWNERS OF ANY LESSER PROPERTY RIGHTS FOR PUBLIC UTILITIES, RIGHTS-OF-WAYS, AND EASEMENTS FOR PUBLIC SERVICE FACILITIES ORIGINALLY HELD AND CURRENTLY IN EXISTENCE WITHIN THE VACATED PLATTED ALLEYS.

WHEREAS, Aero-Plains, LLC (“Applicant”) has requested vacation of platted alleys abutting real estate owned by Applicant, said platted alleys being more particularly described as follows:

The platted 20-foot alley abutting Water Street on the west, Lots 23-45 (odd), Market Street on the north, Buckner Street on the east, and Lots 75, Buckner Street and 76, Water Street on the south TOGETHER WITH the platted 20-foot alley abutting Washington Avenue to the south, Lots 67-75 (odd), Buckner Street on the east, and Lots 68-76 (even), Water Street on the west, Map of El Paso, now Derby, all being situated in the Northwest Quarter of Section 12, Township 29 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

WHEREAS, such request was transmitted to affected property owners and agencies with an interest in said platted alley for comment; and

WHEREAS, the Planning Commission of the City conducted a public hearing on December 17, 2015 to determine the advisability of the proposed vacation, at which time, all interested persons in attendance were heard; and

WHEREAS, no written objection pursuant to K.S.A. 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 petitioner 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 above-described platted alleys, and that the same should be granted;

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

Section 1. The platted alleys more particularly described as:

The platted 20-foot alley abutting Water Street on the west, Lots 23-45 (odd), Market Street on the north, Buckner Street on the east, and Lots 75, Buckner Street and 76, Water Street on the south TOGETHER WITH the platted 20-foot alley abutting Washington Avenue to the south, Lots 67-75 (odd), Buckner Street on the east, and Lots 68-76 (even), Water Street on the west, Map of El Paso, now Derby, all being situated in the Northwest Quarter of Section 12, Township 29 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas

are hereby ordered to be vacated subject to the reservation(s) stated in Section 2 herein.

Section 2. A 20-foot public utility easement is hereby reserved to the City and the owners of any lesser property rights for public utilities, rights-of-ways, and easements for public service facilities originally held and currently in existence within the below-described portion of vacated alley:

The platted 20-foot alley abutting Water Street on the west, Lots 23-45 (odd), Market Street on the north, Buckner Street on the east, and Lots 75, Buckner Street and 76, Water Street on the south, Map of El Paso, now Derby, all being situated in the Northwest Quarter of Section 12, Township 29 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas.

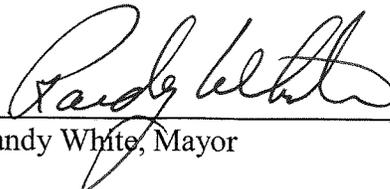
Section 3. Pursuant to K.S.A. 12-506, the above-described vacated alley shall revert to the owners of real estate thereto adjacent on each side in proportion to the frontage of each such real estate.

Section 4. 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 provisions herein.

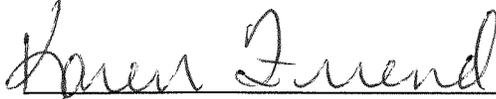
Section 5. This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law.

Section 6. 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.

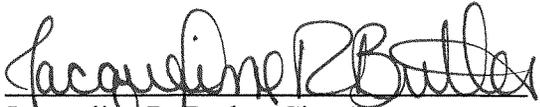
PASSED by the City Council this 12th day of January, 2016 and **SIGNED** by the Mayor.


Randy White, Mayor

Attest:


Karen Friend, City Clerk

Approved as to form:


Jacqueline R. Butler, City Attorney

