

Passed: March 26, 2019
Published: April 3, 2019

ORDINANCE NO. 2378

AN ORDINANCE VACATING ACCESS CONTROL FOR LOT 5, BLOCK A, DERBY MEDICAL CAMPUS ADDITION, DERBY, SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR ONE OPENING TO BE APPROVED BY THE CITY ENGINEER.

WHEREAS, Physicians Development Group, LLC (“Applicant”) has requested vacation of platted access control along Madison Avenue for Lot 5, Block A, Derby Medical Campus Addition, Derby, Sedgwick County, Kansas,

WHEREAS, the owner of Lot 5, Block A, Derby Medical Campus Addition desires to make improvements to the property with construction of a new building; and

WHEREAS, Lot 5, Block A, Derby Medical Campus Addition was platted with complete Access Control along Madison Avenue; and

WHEREAS, the City has received a petition to vacate access control along Madison Avenue for the limited purpose of allowing one access opening to the property to better provide vehicular access and fire protection; and

WHEREAS, such request for vacation was transmitted to affected property owners and agencies with an interest in said portion of access control for comment; and

WHEREAS, the Planning Commission of the City conducted the required public hearing on January 17, 2019 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 access control, and that the same should be granted as provided herein.

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

Section 1. The access control for Lot 5, Block A, Derby Medical Campus Addition, Derby, Sedgwick County, Kansas, along Madison Avenue is hereby ordered to be partially vacated subject to the following requirements and limitations:

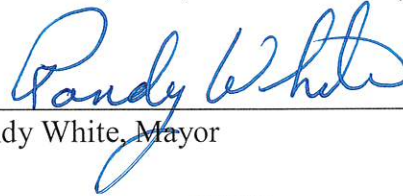
1. One access opening shall be allowed and said opening will require, prior to construction, the approval of the City Engineer as to the size and location of said access opening; and
2. All other access control on the property shall remain in place other than the single access opening recommended for approval pursuant to this section.

Section 2. 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 3. 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.

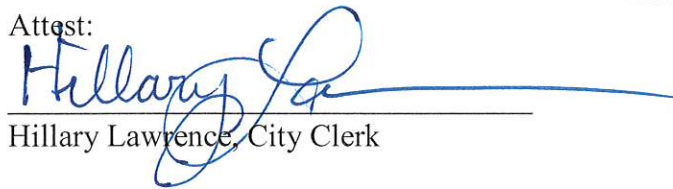
Section 4. The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, *et seq.*, and amendments thereto.

PASSED by the City Council this 26th day of March, 2019, and **SIGNED** by the Mayor.

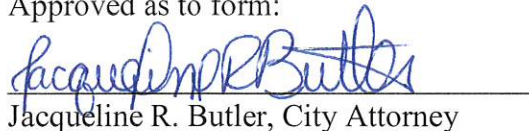


Randy White, Mayor

Attest:


Hillary Lawrence, City Clerk

Approved as to form:


Jacqueline R. Butler, City Attorney