

Passed: June 11, 2019  
Published: June 19, 2019

**ORDINANCE NO. 2385**

**AN ORDINANCE VACATING THE LOUISA STREET RIGHT-OF-WAY  
ADJACENT TO LOTS 3 AND 5, GERTEIS SECOND ADDITION, DERBY,  
SEDGWICK COUNTY, KANSAS.**

**WHEREAS**, United School District 260 (“Owner”) has requested vacation of the following described portion of platted street right-of-way:

A tract of land platted as “Louisa Street” right-of-way particularly described as beginning at the southwest corner of Lot 2, Gerteis Second Addition; thence east to the southeast corner of said Lot 3; thence south to the northeast corner of Lot 5, Gerteis Second Addition; thence west to the northwest corner of said Lot 5; thence north to the southwest corner of said lot 3 and point of beginning, said tract containing 0.42 acres more or less.

**WHEREAS**, the owner of Lot 3 and 5, Gerteis Second Addition desires to make improvements to the property with construction of an athletic complex; and

**WHEREAS**, a street right-of-way was platted between Lots 3 and 5, Gerteis Second Addition; and

**WHEREAS**, the City has received a petition to vacate a portion of the street right-of-way for the purpose of ceding the land to the owner of Lots 3 and 5 to facilitate onsite improvements and construction; and

**WHEREAS**, such request for vacation was transmitted to affected property owners and agencies with an interest in said portion of street right-of-way; and

**WHEREAS**, the Planning Commission of the City conducted the required public hearing on May 2, 2019 to determine the advisability of the proposed vacation, at which time, all interested persons in attendance were provided an opportunity to be 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 street right-of-way, 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 platted street right-of-way, legally described as:

A tract of land platted as "Louisa Street" right-of-way particularly described as beginning at the southwest corner of Lot 2, Gerteis Second Addition; thence east to the southeast corner of said Lot 3; thence south to the northeast corner of Lot 5, Gerteis Second Addition; thence west to the northwest corner of said Lot 5; thence north to the southwest corner of said lot 3 and point of beginning, said tract containing 0.42 acres more or less.

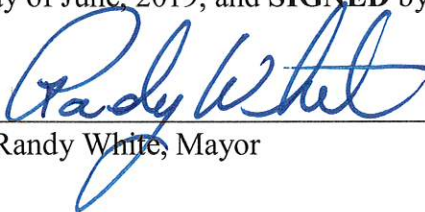
is hereby ordered to be vacated.

**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.

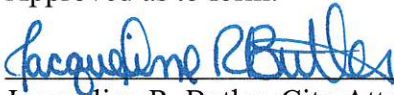
**PASSED** by the City Council this 11th day of June, 2019, and **SIGNED** by the Mayor.

  
\_\_\_\_\_  
Randy White, Mayor

Attest:

  
\_\_\_\_\_  
Hillary Lawrence, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Jacqueline R. Butler, City Attorney

