

Passed: April 28, 2020
Published: May 6, 2020

ORDINANCE NO. 2429

AN ORDINANCE VACATING A 20-FOOT WIDE ALLEY WITHIN THE BLOCK BOUND BY MADISON AVENUE, MARKET STREET, WATER STREET, AND RIVER STREET.

WHEREAS, the City of Derby, (“Applicant”) has requested vacation of a platted alley more particularly described as follows:

All of the 20 foot Alley dedicated on the Map of El Paso, now Derby, Sedgwick County, Kansas, lying West of an Adjacent to Lots 48, 50, 52, 54, 56, on Market St and Lots 47, 49, 51, 53, 55 on Main St and Lots 48, 50, 52, 54, 56 on Main St and Lots 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117 on Water St and all of the Vacated Alley, lying between said Lots 48, 50, 52, 54, 56 on Market St and Lots 47, 49, 51, 53, 55 on Main St and all of Vacated Main St, lying between said Lots 47, 49, 51, 53, 55 on Main St and Lots 48, 50, 52, 54, 56 on Main St and all of the Vacated Alley, lying between Lots 48, 50, 52, 54, 56 on Main St and Lot 77 on Water St and all of Vacated Emma St, lying between said Lots 85 and 87 on Water St and all of Vacated Madison St, lying between said Lots 109 and 111 on Water Street.

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 April 2, 2020 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 platted alley more particularly described as:

All of the 20 foot Alley dedicated on the Map of El Paso, now Derby, Sedgwick County, Kanas, lying West of an Adjacent to Lots 48, 50, 52, 54, 56, on Market St and Lots 47, 49, 51, 53, 55 on Main St and Lots 48, 50, 52, 54, 56 on Main St and Lots 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117 on Water St and all of the Vacated Alley, lying between said Lots 48, 50, 52, 54, 56 on Market St and Lots 47, 49, 51, 53, 55 on Main St and all of Vacated Main St, lying between said Lots 47, 49, 51, 53, 55 on Main St and Lots 48, 50, 52, 54, 56 on Main St and all of the Vacated Alley, lying between Lots 48, 50, 52, 54, 56 on Main St and Lot 77 on Water St and all of Vacated Emma St, lying between said Lots 85 and 87 on Water St and all of Vacated Madison St, lying between said Lots 109 and 111 on Water Street.

is hereby ordered to be vacated.

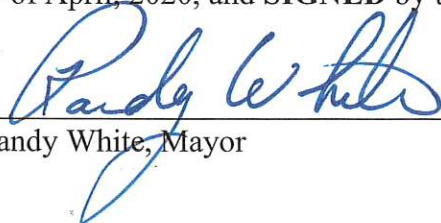
Section 2. Pursuant to K.S.A. 12-506, the above described vacated alley shall revert to the owners of real estate thereto adjacent to the east in proportion to the frontage of each such real estate.

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 provisions 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.

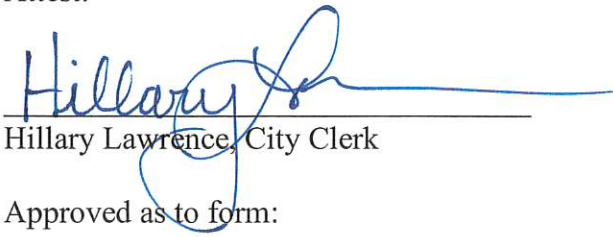
Section 5 The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, *et seq.*, and amendments thereto.

PASSED by the City Council this 28th day of April, 2020, and **SIGNED** by the Mayor.



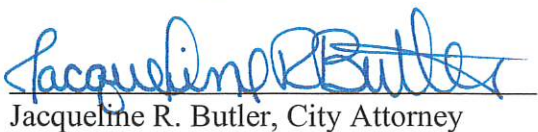
Randy White, Mayor

Attest:



Hillary Lawrence, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney

