

ORDINANCE NO. 16-4678

AN ORDINANCE VACATING PORTIONS OF PUBLIC STREET RIGHT-OF-WAY, PURSUANT TO K.S.A. 14-423 AND 12-515, WITHIN THE CITY OF CHERRYVALE, KANSAS.

WHEREAS, owners (the "Owners") of abutting property have petitioned the City of Cherryvale to vacate portions of unimproved public right-of-way (hereinafter the "Vacated Street and Alleys"); and,

WHEREAS, the Vacated Street and Alleys are a portion of Commercial Street, and alleys described as follows:

All that portion of Commercial Street right-of-way lying adjacent to and between Blocks 4 & 5, COMMERCIAL CLUB ADDDTION, and all alleys lying adjacent to and within Blocks 4 & 5, COMMERCIAL CLUB ADDDTION.

WHEREAS, a notice of a hearing on said petition has been duly published, pursuant to K.S.A. 12-504; and,

WHEREAS, the Planning Commission of the City of Cherryvale has conducted a public hearing on said petition, at the date and time set forth in the notice; and,

WHEREAS, following the public hearing, the Planning Commission of the City of Cherryvale has determined that no private rights will be injured or endangered by such vacation, and that the public will suffer no loss or inconvenience thereby, and that in justice to the Owners the request of the Owners ought to be granted.

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

SECTION ONE: That the Governing Body, pursuant to K.S.A. 14-423 and 12-515, hereby declares that Vacated Street and Alleys, as described below, are hereby vacated to-wit:

All that portion of Commercial Street right-of-way lying adjacent to and between Blocks 4 & 5, COMMERCIAL CLUB ADDDTION, and all alleys lying adjacent to and within Blocks 4 & 5, COMMERCIAL CLUB ADDDTION.

SECTION TWO: This ordinance shall be in force and effect upon its approval by the governing body of the City of Cherryvale and publication in the official city newspaper unless an interested party shall file a protest petition.

SECTION THREE: That there be reserved to the City and the owners of lesser property rights for public utilities, rights-of-way, and easements for public facilities in said right-of-way for present uses, if any.

SECTION FOUR: After publication of this ordinance, the City Clerk shall file a certified copy of such ordinance with the Register of Deeds Office of Montgomery County, Kansas and also with the office of the Montgomery County Clerk. The County Clerk shall enter the same in the transfer records of the County Clerk's office and the register of deeds shall record the same in the deed records of the County, all pursuant to K.S.A. 14-423.

PASSED AND APPROVED by the Governing Body of the City of Cherryvale, Kansas this 21st day of November, 2016.



John M. Wright, Mayor
City of Cherryvale

ATTEST:



Karen Davis, City Clerk
City of Cherryvale

