

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2464 Summary

On April 18, 2019, the City of De Soto, Kansas, adopted Ordinance No. 2464, vacating a portion of the public right-of-way along 90th Street to accommodate a new apartment project at 34040 West 90th Street in De Soto, Kansas. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84th Street, De Soto, Kansas or at www.desotoks.us. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2464

AN ORDINANCE ORDERING THE VACATION OF A PUBLIC RIGHT-OF-WAY

WHEREAS, Country Village LLC owns property located at 34040 West 90th Street in De Soto, Kansas, which is currently being planned and developed as Country Village Multi-Family Development (hereafter “the Apartment Project”); and

WHEREAS, the developer of the Apartment Project has discovered that, without significant reconfigurations and expense, the front yard setback along 90th Street will not be met; and

WHEREAS, the developer initially sought to address the issue by applying for a variance from the City’s setback requirement but City Staff indicated that -- given the strict requirements for a variance -- the application likely would be denied; and

WHEREAS, City Staff recommended that the developer seek vacation of part of the right-of-way of 90th Street, with a promise to give back an easement to the City over the right-of-way to be vacated, which will allow for the setback requirement to be met.

WHEREAS, in accordance with K.S.A. 12-504, the City has published the required statutory notice preceding the public hearing regarding the requested vacation of public right-of-way; and

WHEREAS, in accordance with K.S.A. 12-505, the governing body heard evidence concerning the true nature and propriety of vacating the public right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS, AS FOLLOWS:

Section 1. Findings. In accordance with K.S.A. 12-505, the governing body finds and concludes that no private rights will be injured or endangered by such vacation of public right-

of-way and that the public will not suffer loss or inconvenience because of such vacation. The governing body also finds and concludes that justice to the owner of the property requires that the vacation of the public right-of-way be ordered.

Section 2. Order. The governing body hereby orders that the public right-of-way legally described as

Beginning at the NW corner of Tract A, Brady Subdivision; thence North 10'; thence East along a line that is parallel to the Right of Way of 90th Street a distance of 699.87'; thence West along the Right of Way line of 90th St. a distance of 699.87' to the point of beginning

be vacated and returned to the tax rolls as though it had never been a part of the City of De Soto, Kansas.

Section 3. Recording. The City Clerk is directed to deliver a certified copy of this Ordinance to the Johnson County Register of Deeds so that the vacation of right-of-way is properly recorded.

Section 4. Effective Date. This Ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.

ADOPTED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR OF DE SOTO, KANSAS THIS 18th DAY OF APRIL 2019.

CITY OF DE SOTO, KANSAS

Rick Walker, MAYOR

(SEAL)

ATTEST:

APPROVED AS TO FORM:

City Clerk, Lana R. McPherson, MMC

City Attorney, Patrick G. Reavey