

*Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication*

### **Ordinance No. 2507 Summary**

On March 4, 2021, the City of De Soto, Kansas, adopted Ordinance No. 2507, vacating a public easement that is no longer needed by Unified School District No. 232. 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 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://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. 2507**

#### **AN ORDINANCE ORDERING THE VACATION OF PUBLIC EASEMENT**

**WHEREAS**, Unified School District No. 232 (“USD 232”) is planning an addition to the De Soto High School and in connection therewith it is necessary that it relocate a water line; and

**WHEREAS**, as part of the construction project, USD 232 and the City Engineer have identified that the old water line easement is no longer needed by USD 232; and

**WHEREAS**, the City Engineer filed a Petition with the City Clerk requesting that the easement described in the attached **Exhibit A** be vacated pursuant to K.S.A. 12-504 et seq.; and

**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 easements; 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 easements.

#### **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 easement and that the public will not suffer loss or inconvenience because of such vacation. The governing body also finds and concludes that justice to USD 232 and the City requires that vacation of the public easement be ordered.

**Section 2. Order.** The governing body hereby orders that the public easement legally described in the attached **Exhibit A** be vacated.

**Section 3. Reservation of Easement for Public Utilities.** USD 232 has granted a commensurate easement for relocation of the City's water line.

**Section 4. 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 easements is properly recorded.

**Section 5. 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 4<sup>th</sup> day of March, 2021.

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

# Exhibit A

## WATER EASEMENT VACATION DESCRIPTION:

A strip of land being part of Lot 2, DESOTO SCHOOL DISTRICT WEST CAMPUS, a subdivision in the city of DeSoto, Johnson County, Kansas, being 20.00 feet wide, 10.00 feet on each side of the following described centerline;

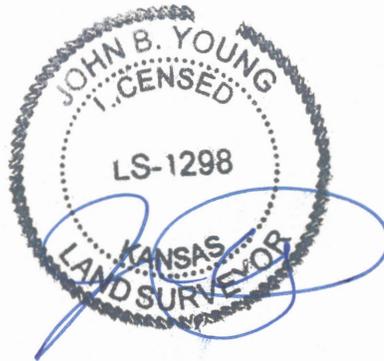
Commencing at the Northwest corner of said Lot 2;

Thence North  $88^{\circ}34'37''$  East, along the North line of said Lot 2, 1287.37 feet;

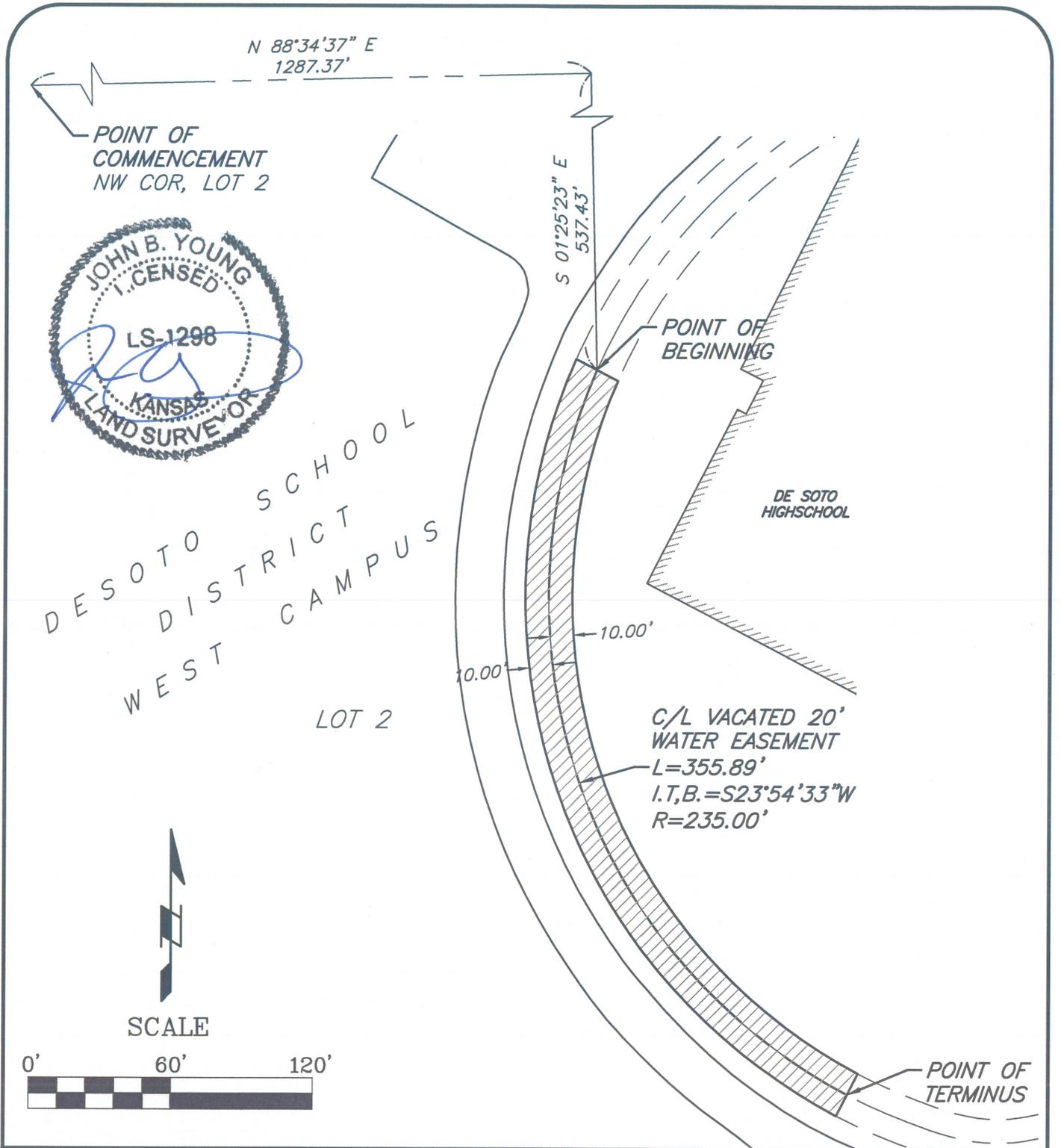
Thence South  $01^{\circ}25'23''$  East, 537.43 feet to the Point of Beginning;

Thence on a curve to the left, having an initial tangent bearing South  $23^{\circ}54'33''$  West, a radius of 235.00 feet and an arc length of 355.89 feet to the Point of Terminus.

Prepared By: John B. Young, PLS-1298



# Exhibit A



Location: S:\20.155- DESOTO HIGH SCHOOL\DRAWINGS\WATER VACATION EXHIBIT.dwg



## J & J SURVEY LLC

6500 NW TOWER DR., SUITE 102 • PLATTE WOODS, MO 64151  
PHONE (816)741-1017 • FAX (816)741-1018

### EXHIBIT WATER EASEMENT VACATION

LOT 2  
DESOTO SCHOOL DISTRICT WEST CAMPUS  
CITY OF DESOTO, JOHNSON COUNTY,  
KANSAS