

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. 2550 Summary

On October 20, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2550, vacating public right-of-way located within City owned land along the east and south side of Lexington Avenue, which right-of-way is no longer needed. 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. 2550

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

WHEREAS, the City is currently under contract to sell a two-acre parcel of City owned land that is located along the east and south side of Lexington Avenue, to the north of the Penner Avenue intersection (hereafter “City Parcel”); and

WHEREAS, there is public right-of-way contained within the City Parcel that is no longer needed by the City and conflicts with the development plans of the contract purchaser; and

WHEREAS, given that the right-of-way can be vacated without any loss or inconvenience to the public, City Administrator Brungardt (pursuant to K.S.A. 12-504 et seq.) submitted a Petition to the City Clerk to initiate vacation proceedings of the right-of-way; 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 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 City (current owner of the property adjoining the public right-of-way) requires that 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 in the attached **Exhibit A** be vacated.

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 public 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 20TH DAY OF OCTOBER 2022.

CITY OF DE SOTO, KANSAS

Rick Walker, MAYOR

(SEAL)

ATTEST:

APPROVED AS TO FORM:

City Clerk, Brandon Mills

City Attorney, Patrick G. Reavey

EXHIBIT A

A Tract of land, located in the Northwest Quarter, of Section 33, Township 12 South, Range 22 East, located in the City of De Soto, Johnson County, Kansas, being more particularly described as follows:

Beginning at the Northeast corner of Lot 1, DOLLAR GENERAL ADDITION, a subdivision of land recorded in Book 201111 Page 004270;
Thence along the North line of said Lot 1 the following four (4) courses;
Thence North 40°10'49" West, 129.17 feet;
Thence North 57°44'50" West, 10.66 feet;
Thence South 24°06'07" West, 86.62 feet;
Thence 65°53'53" West, 73.92 feet, to the Northwest corner of said Lot 1 and the East Right-of-Way line of Lexington Avenue as now established;
Thence North 24°06'07" East, 86.62 feet;
Thence on a curve to the right, with an Initial Tangent Bearing North 26°59'41" East, having a radius of 743.82 feet, and an arc length of 140.72 feet;
Thence on a curve to the right, tangent to the last described course, having a radius of 906.20 feet, and an arc length of 361.52 feet;
Thence North 63°14'13" East, 88.24 feet, to the intersection of the East Right-of-Way line of said Lexington Avenue and the West Right-of-Way line of United States Rail Road, as now established;
Thence South 28°13'57" West, along said West Right-of-Way line, 584.52 feet, to the Point of Beginning. Contains 83,142 square feet or 1.91 acres more or less.