

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. 2574 Summary

On April 20, 2023, the City of De Soto, Kansas, adopted Ordinance No. 2574, vacating public right-of-way adjoining Ottawa Street and Lexington Avenue just to the South of the Possum Creek subdivision, more specifically approximately 15 feet of excessive public right-of-way adjoining the East side of Ottawa Street and the North side of Lexington Avenue, and an additional corner piece of public right-of-way at the intersection of Ottawa Street and Lexington Avenue that measures 55 feet across. 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. 2574

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

WHEREAS, Joe Rawie, on behalf of his company All-In Enterprises, LLC, has filed a Petition to vacate excess City 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 Petitioner (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 APRIL 2023.

CITY OF DE SOTO, KANSAS

Rick Walker, MAYOR

(SEAL)

ATTEST:

APPROVED AS TO FORM:

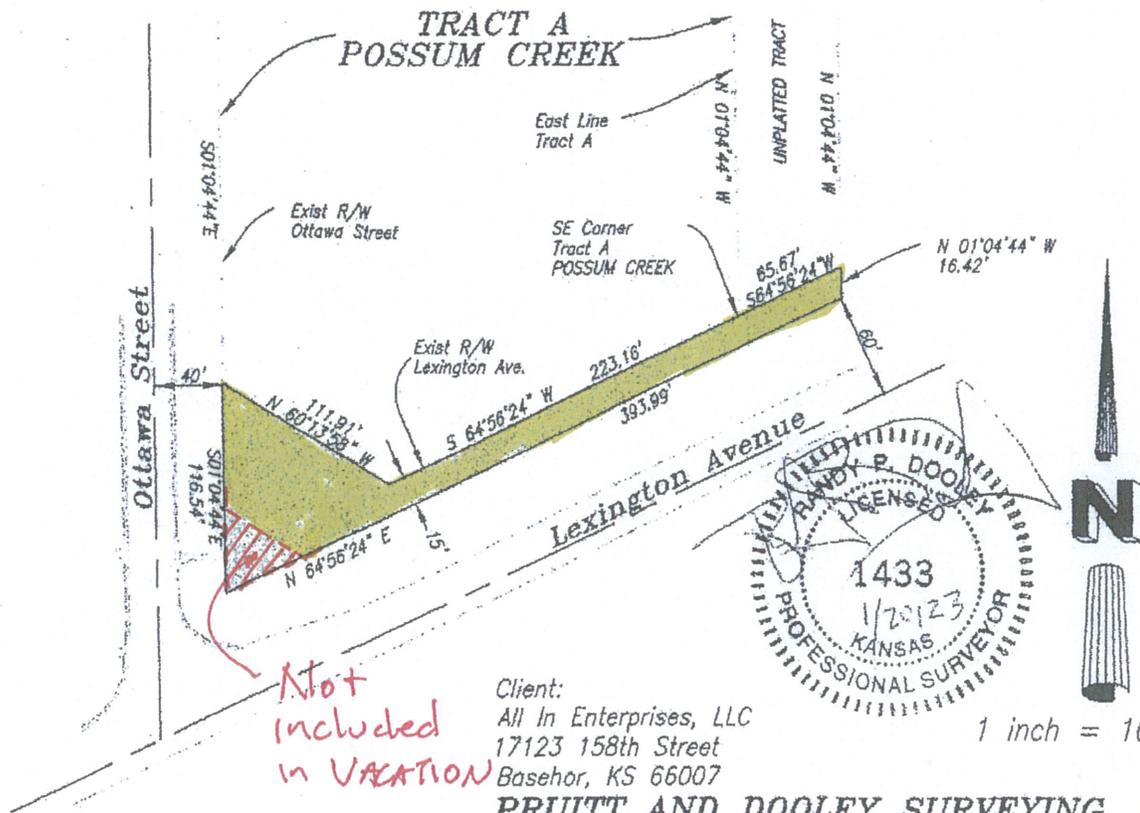
City Clerk, Brandon Mills

City Attorney, Patrick G. Reavey

A part of the Existing Right of Way of Lexington Avenue and Ottawa Street, being part of the Southeast Quarter of Section 28, Township 12 South, Range 22 East, described as follows; BEGINNING at the southeast corner of Tract A of POSSUM CREEK, a subdivision of land in the city of De Soto, Johnson County, Kansas; thence South 64 Degrees 56 Minutes 24 Seconds West along the existing Right of Way of Lexington Avenue and the southerly line of said Tract A, a distance of 223.16 feet; thence North 60 degrees 13 Minutes 38 Seconds W along the southwesterly line of said Tract A, a distance of 111.91 feet to a point on the existing right of Way of Ottawa Street; thence South 01 degrees 04 minutes 44 Seconds East along the prolongation of said Right of Way, a distance of 63.22 feet; thence South 60 Degrees 13 Minutes 58 Seconds East, a distance of 59.60 feet; thence North 64 Degrees 56 minutes 24 Seconds E along a line being 15.00 feet south of and parallel with the southerly line of said Tract A and prolongation thereof, a distance of 337.99 feet; thence North 01 degrees 04 Minutes 44 Seconds West, parallel with the easterly line of said Tract A, a distance of 16.42 feet to a point on the existing Right of Way of Lexington Avenue and a prolongation of the southerly line of said Tract A; thence South 64 Degrees 56 Minutes 24 Seconds West along the prolongation of said Tract A and the existing Right of Way of Lexington Avenue, a distance of 65.67 feet to the POINT OF BEGINNING, containing 9,356 square feet, more or less.



EXHIBIT A



Client:
 All In Enterprises, LLC
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 Basehor, KS 66007

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