

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. 2457 Summary

On February 21, 2019, the City of De Soto, Kansas, adopted Ordinance No. 2457, vacating three public easements that were previously dedicated to the City as part of a multi-family project that never materialized, and said easements interfere with a new project being developed in the same location, generally located northeast of the intersection of 90th and Oak Streets in the City of 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. 2457

AN ORDINANCE ORDERING THE VACATION OF PUBLIC EASEMENTS

WHEREAS, three previously dedicated public easements (a portion of a drainage easement, a sanitary sewer easement, and a utility easement) [hereafter “Excess Easements”] are no longer needed for the new Country Village Apartments project; and

WHEREAS, the owner of the tract of land northeast of the intersection of Oak and 90th Streets (the location of the new development) has filed a Petition with the City Clerk requesting that the Excess Easements be vacated pursuant to K.S.A. 12-504 *et seq.* as they are not needed for the new development; and

WHEREAS, the City Engineer has confirmed that the Excess Easements to be vacated are no longer needed by the City for any public use and, therefore, can be vacated without any loss or inconvenience to the public; 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 the Excess 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 Excess 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 vacation of the Excess

Easements, 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 property owner requires that vacation of the Excess Easements be ordered.

Section 2. Order. The governing body hereby orders that the Excess Easements described in **Exhibit B** 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 easements 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 21ST DAY OF FEBRUARY 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