

(First Published in the Cowley CourierTraveler, \_\_\_\_\_2022)

**ORDINANCE NO. 2022-06-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE VACATING OF A PORTION OF ALLEY AND A PORTION OF 3<sup>RD</sup> STREET ADJACENT TO BLOCK 2, PARK PLACE ADDITION TO ARKANSAS CITY, COWLEY COUNTY, KANSAS.**

**WHEREAS**, the City of Arkansas City Planning Commission, after providing notice and holding a hearing pursuant to K.S.A. § 12-504, has considered the proposed vacation of the public right-of-way at issue, and recommended the City grant the petition to vacate; and

**WHEREAS**, the City of Arkansas City Planning Commission and the Technical Advisory Committee determined that an access and utility easement would be necessary to maintain access to utilities and for emergency vehicles; and

**WHEREAS**, the Governing Body of the City of Arkansas City, Kansas, after due investigation and consideration has determined that the nature and extent of the public use and interest to be subserved is such as to warrant the vacating of the public right-of-way at issue.

**NOW THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE:** The property legally described as:

All of the 10<sup>th</sup> Street Right of Way (as platted) adjoining Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

AND

The 16 foot wide alley between Lots 22-28 and Lots 1-7 of Block 2, Park Place Addition to Arkansas City, Cowley County, Kansas.

**IS HEREBY VACATED**, but the City specifically reserves a utility and access easement over the above described area for accessing existing and/or future utilities and the adjacent property to the south.

**SECTION TWO:** The City Clerk shall make proper notification of this Ordinance which shall be in full force and effect thirty (30) days after either (a) publication once in the official newspaper of the City, or (b) publication of a summary of this Ordinance certified as legally accurate and sufficient by the City Attorney unless one or more interested parties files a written protest before the expiration of such time with the office of City Clerk. If such written protest is filed, the Governing Body of the City is required to convene a Public Hearing to consider any and all objections to the proposed Ordinance and, upon conclusion of the Hearing, is required to either confirm the vacating Ordinance and file the same with the County Clerk and Register of Deeds office or if not confirmed, the vacating Ordinance shall be void and have no force and effect.

**SECTION THREE:** A certified copy of this ordinance signed by the City Clerk for the City of Arkansas City, Kansas, shall be recorded in the Office of the Register of Deeds, Cowley County, Kansas.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas this \_\_\_\_ day of June, 2022.

(Seal)

\_\_\_\_\_  
Kanyon Ginger, Mayor

ATTEST:

\_\_\_\_\_  
Lesley Shook, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Larry R. Schwartz, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2022-\_\_-\_\_\_\_\_  
of the City of Arkansas City, Kansas adopted by the governing body on \_\_\_\_\_, 2022 as the same  
appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Lesley Shook, City Clerk