

(First Published in the Cowley CourierTraveler, _____2021)

ORDINANCE NO. 2021-06-____

AN ORDINANCE AUTHORIZING THE VACATING OF ALL OF COMPASS POINT DRIVE WITHIN REPLAT OF COMPASS POINT ADDITION, 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 Compass Point Drive within Replat of Compass Point Addition, Arkansas City, Cowley County, Kansas

IS HEREBY VACATED, but the City specifically reserves an access and utility easement over the entire described area for existing and/or future utilities. All other utility easements within the Replat of Compass Point Addition shall also remain.

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 _____, 2021.

(Seal)

Scott Rogers, Mayor

ATTEST:

Lesley Shook, Clerk

APPROVED AS TO FORM

Larry Schwartz, City Attorney

CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of the Ordinance No. 2021-__-____ of the City of Arkansas City, Kansas adopted by the governing body on _____, 2021 as the same appears of record in my office.

DATED: _____.

Lesley Shook, Clerk