

**ORDINANCE NO. 2023-05-\_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE VACATING OF ALL OF TAYLOR AVENUE ADJOINING LOT 1 OF BLOCK 15 AND LOT 14 OF BLOCK 4, SLEETH 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 no easements would be necessary to maintain access; 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 Taylor Avenue Right of Way (platted as Washington Avenue) adjoining Lot 1 of Block 15 and Lot 14 of Block 4, Sleeth Addition to 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 as well as emergency vehicle access.

**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 of Arkansas City, Kansas, 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 2<sup>nd</sup> day of May, 2023.

(Seal)

\_\_\_\_\_  
Diana L. Spielman, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Parsons, 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 Ordinance No. 2023-05-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the governing body on May 5, 2023 as the same appears of record in my office.

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

\_\_\_\_\_  
Tiffany Parsons, City Clerk