

(First published in The Ark Valley News on _____,2022)

THE CITY OF BEL AIRE, KANSAS

ORDER OF VACATION NO

**AN ORDER VACATING A PORTION OF AN AC RIGHT OF WAY ON
CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE CITY
LIMITS OF THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, The City of Bel Aire, Kansas, has applied for a vacation of its entitled platted Right of Way (ROW) abutting relevant easements for E. 54th St. N.

WHEREAS, Notice of the public hearing regarding vacation of the ROW was published in the Ark Valley News on March 17, 2022.

WHEREAS, Written notice of the public hearing regarding the request for vacation of a ROW was mailed more than 20 days prior to the date of the public hearing, by regular mail to all property owners living within 200' feet of the subject property, advising of the date and time of a public hearing to be held regarding vacation of a portion of a dedicated building setback line upon the subject property;

WHEREAS, A public hearing was held before the Bel Aire Planning Commission on April 14, 2022;

WHEREAS, Following the public hearing the Planning Commission determined that due and legal notice was given for the requested vacation, no private rights would be injured or endangered by the vacation, the public would suffer no loss or inconvenience due to the vacation, and in justice to the petitioner the vacation should be granted;

WHEREAS, In conformance with Section 10.04(B) of the Bel Aire Subdivision Code, the Planning Commission voted unanimously to recommend to the Governing Body approval of vacating a portion of a ROW upon the above described property.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

SECTION 1. The City Council, after being duly and fully informed as to the true nature of this petition and the propriety of granting the same, makes the following findings:

1. The City of Bel Aire, Kansas, has applied for a vacation of its entitled platted Right of Way abutting relevant easements for E. 54th St. N.;
2. That due and legal notice has been given by publication as required by law, by publication in The Ark Valley News on March 17, 2022, was at least 20 days prior to the public hearing, written notification was mailed at least 20 days prior to the public hearing to all neighboring properties located with 200' of the subject property, and a public hearing was held on this request before the Bel Aire Planning Commission on April 14, 2022.
3. That following a public hearing, the Bel Aire Planning Commission found that no private rights will be injured or endangered by the vacation, the public will suffer no loss or inconvenience thereby, no written objection to said vacation has been filed with the City Clerk or the Planning Commission by any other property owner notified of the proposed vacation, and in justice to the applicants, the application to vacate a portion of the ROW ought to be granted.
4. That the Bel Aire Planning Commission unanimously voted to recommend that the Governing Body of the City of Bel Aire approve the requested vacation of its entitled platted Right of Way (ROW) abutting relevant easements for a portion of E. 54th St. N.

SECTION 2. The vacation of:

All of 54th Street right-of-way from the west line of Greenwich Road to the east line of Lot 2, Block A,; adjacent to Lots 9-10, Block A and Reserve B, Sunflower Commerce Park 2nd Addition to Bel Aire, Sedgwick County, Kansas.

SECTION 3. This copy of this Order shall be certified by the City Clerk and sent to the County Register of Deeds to be filed.

Passed by the City Council this ____ day of May, 2022.

Approved by the Mayor this ____ day of May, 2022

MAYOR JIM BENAGE

ATTEST:

MELISSA KREHBIEL, CITY CLERK

SEAL