

ORDINANCE NUMBER 18-10985

AN ORDINANCE ORDERING THE VACATION OF A PORTION OF A NORTH-SOUTH ALLEY LOCATED ON THE BLOCK BORDERED BY NORTH FIFTH STREET ON THE EAST, EAST ASH STREET ON THE SOUTH, NORTH SANTA FE AVENUE ON THE WEST AND EAST ELM STREET ON THE NORTH IN THE ORIGINAL TOWN (NOW CITY) OF SALINA, SALINE COUNTY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. Petition and Public Hearing. On November 5, 2018 the Governing Body conducted a public hearing (“Public Hearing”) on the petition filed by Michael D. Forristal, President, on behalf of Lee Development, LLC (“Petitioner”), requesting vacation of the following described portion of a platted alley:

Alley Right-of-Way

A portion of a ten foot (10’) north-south alley beginning at the south right-of-way line of Elm Street and ending at a point seventy-five feet (75’) south of the south right-of-way line of Elm Street abutting Lot Forty-nine (49) and the North half (N1/2) of Lot Fifty-one (51) on Santa Fe Avenue and Lot Fifty (50) and the North half (N1/2) of Lot Fifty-two (52) on Fifth Street in the Original Town (now City) of Salina, Saline County, Kansas. (“Alley Right-of-Way”).

Section 2. Findings and Conclusions. The Governing Body determines from the evidence presented:

- (A) Due and legal notice of the Public Hearing has been given by publication as required by law.
- (B) The public will suffer no loss or inconvenience by the vacation of the Alley Right-of-Way because there are no water, sanitary sewer, gas or electric lines and no other public or franchise utilities located in the Alley Right-of-Way. The Alley Right-of-Way is no longer needed for public vehicle access.
- (C) No private rights will be injured or endangered because vacation of the Alley Right-of-Way will not affect any other properties or property owners.
- (D) That in justice to the Petitioner vacation of the Alley Right-of-Way should be granted because the continued presence of the alley no longer serves a public purpose and is inhibiting the redevelopment of the former H.D. Lee Hardware buildings on North Santa Fe Avenue.
- (E) The public interest is promoted by the vacation of the Alley Right-of-Way because it would allow the petitioner to have full title to all the property occupied by the H.D. Lee Hardware buildings.

Section 3. Order of Vacation. The Alley Right-of-Way is ordered vacated and shall revert in accordance with K.S.A. 13-443.

Section 4. Recording. For the purpose of recording this ordinance with the office of the Saline County Register of Deeds, this vacation of the Alley right-of-way relates to the tract of real property described as Lot Forty-nine (49) and the North half (N1/2) of Lot Fifty-one (51) on Santa Fe Avenue and Lot Fifty (50) and the North half (N1/2) of Lot Fifty-two (52) on Fifth Street in the Original Town (now City) of Salina, Saline County, Kansas.

Section 5. Summary of ordinance for publication. This ordinance shall be published by the following summary:

Ordinance No. 18-10985 Summary

On November 19, 2018 the City of Salina, Kansas, passed Ordinance No. 18-10985. The ordinance vacates a portion of an alley located in the block bordered by North Fifth Street on the east, East Ash Street on the south, North Santa Fe Avenue on the west and East Elm Street on the north which runs underneath the former H.D. Lee Hardware building at 254 North Santa Fe Avenue. A complete copy of the ordinance is available at www.salina-ks.gov or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the city attorney.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its adoption and publication once in the official city newspaper.

Introduced: November 5, 2018
Passed: November 19, 2018

Karl F. Ryan, Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this _____ day of November, 2018.

Greg A. Bengtson, City Attorney