

**ORDINANCE NUMBER 18-10986**

**AN ORDINANCE ORDERING THE VACATION OF AN EAST-WEST 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 alley right-of-way:

**Alley Right-of-Way**

A twenty foot (20’) east-west alley public alley extending between the west line of North Fifth Street on the east and the east line of North Santa Fe on the west which extends over and across the South twenty feet (20’) of Lot Fifty-Eight (58) on Fifth Street and the South Twenty feet (20’) on Santa Fe Avenue 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 a utility easement is being retained for public and 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 construction of and access to needed off-street parking facilities for a proposed housing project on the east side of 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 construct new off-street parking facilities on this site.

**Section 3. Order of Vacation.** The Alley Right-of-Way is ordered vacated. The entire vacated Alley Right-of-Way is retained as a public utility easement and shall revert, subject to the retained public utility easement, 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 Fifty-eight (58) on Fifth Street and Lot Fifty-seven (57) on Santa Fe Avenue 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. 18-10986 Summary

On November 19, 2018 the City of Salina, Kansas, passed Ordinance No. 18-10986. The ordinance vacates a 20 foot (20') east-west 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 between North Fifth Street and North Santa Fe Avenue. A complete copy of the ordinance is available at [www.salina-ks.gov](http://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.

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Greg A. Bengtson, City Attorney