

ORDINANCE NUMBER 19-11001

AN ORDINANCE ORDERING THE VACATION OF A PORTION OF AN EIGHT FOOT WIDE PLATTED UTILITY EASEMENT LOCATED ON LOTS SEVEN (7) AND EIGHT (8) IN THE REPLAT OF BLOCK THREE OF THE COUNTRY CLUB HEIGHTS ADDITION TO THE 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 May 20, 2019 the Governing Body conducted a public hearing (“Public Hearing”) on the petition filed by Michael R. McArthur (“Petitioner”), requesting vacation of the following described portions of a utility easement:

An eight foot (8’) platted utility easement located four feet (4’) either side of the common lot line between Lot Seven (7) and Lot Eight (8) in the Replat of Block Three (3) of the Country Club Heights Addition to the City of Salina, Saline County, Kansas, less the North four feet (4’) of said easement.

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 described portion of this utility easement because a new replacement utility easement is being dedicated by the petitioner to accommodate the needs of Kansas Gas Service.
- (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 this utility easement should be granted because the continued presence of the public utility easement in its current location no longer serves a public purpose and is inhibiting construction of an addition to the petitioner’s residence.
- (E) The public interest is promoted by the vacation of the described portion of the eight foot (8’) wide public utility easement and acceptance of a replacement utility easement because it would allow the petitioner to construct needed improvements to the property and still allow Kansas Gas Service to install a new gas line network serving this block.

Section 3. Order of Vacation. The above described portion of the eight foot (8’) wide utility easement located on Lot Eight (8) and a portion of Lot Seven (7), Block Three (3), Country Club Heights Addition to the City of Salina, Kansas is ordered vacated.

Section 4. Recording. For the purpose of recording this ordinance with the office of the Saline County Register of Deeds, this vacation of a portion of an eight foot (8’) wide utility easement

relates to the tract of real property described as : All of Lot Eight (8) and part of Lot Seven (7), which is more particularly described as follows: Commencing at the Northeast corner of said Lot Seven (7), being the corner common of Lot Seven (7), Eight (8), and Nine (9) in the Replat of Block Three (3), Country Club Heights Addition; thence Westerly Eight (8) feet along the line being a prolongation extension of the Northerly line of said Lot Eight (8); thence Southerly in a straight line to a point in the Southerly line of said Lot Seven (7), being the Northerly line of Overhill Road; which point is Twelve (12) feet Westerly from the Southeast corner of said Lot Seven (7); thence Easterly along the Southerly line of said Lot Seven (7) to the Southeast corner of said Lot Seven (7); thence Northerly along the Easterly line of Lot Seven (7) to the point of beginning all in Country Club Heights Addition to the City of Salina, Saline County Kansas

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

Ordinance No. 19-11001 Summary

On June 3, 2019, the City of Salina, Kansas, passed Ordinance No. 19-11001. The ordinance vacates a portion of an eight foot (8') wide public utility easement located in the petitioner's rear yard which does not contain any public utilities. 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: May 20, 2019

Passed: June 3, 2019

Trent W. Davis, M.D., Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this _____ day of June, 2019.

Greg A. Bengtson, City Attorney