

ORDINANCE NUMBER 16-10867

AN ORDINANCE ORDERING THE VACATION OF A PORTION OF A NORTH-SOUTH ALLEY LOCATED BETWEEN NORTH SEVENTH STREET AND NORTH SANTA FE AVENUE SOUTH OF NORTH STREET 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 October 17, 2016 the Governing Body conducted a public hearing ("Public Hearing") on the petition filed by Troy Reinert on behalf of Kansas Properties, LLC ("Petitioner"), requesting vacation of the following described portions of a platted alley:

Alley Right-of-Way

That portion of a 10 foot alley abutting Lots 1 and 3 on Seventh Street and Lots 2 and 4 on Santa Fe Avenue in the original Town of Salina, Saline County, Kansas, being more particularly described as follows:

Beginning at the northwest corner of said Lot 2; Thence South 00'15'27" West on the west line of said Lots 2 and 4, a distance of 74.53 feet to a point on the north right-of-way line of Atchison, Topeka and Santa Fe railroad right-of-way; Thence South 78'49'11" West on said north right-of-way line, a distance of 10.20 feet to a point on the east line of said Lots 1 and 3; Thence North 00'15'27" East on said east line, a distance of 76.59 feet to the northeast corner of said Lot 1, said corner also being on the south right-of-way line of North Street; Thence South 89'34'08" East on said south right-of-way line, a distance of 10.00 feet to the point of beginning, said tract containing 755 square feet, more or less. ("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 no public or franchise utilities are located in the Alley Right-of-Way and the Alley Right-of-Way is no longer needed for 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 public alley no longer serves a public purpose and is inhibiting the ability of the property owner who owns the lots on both sides of the alley to merge them into a single building lot.

(E) The public interest is promoted by the vacation of the Alley Right-of-Way because it would

allow the petitioner to construct a new building on this site.

Section 3. Order of Vacation. The Alley Right-of-Way 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 the Alley Right-of-Way relates to the tract of real property described as Lots 1 and 3 on Seventh Street and Lots 2 and 4 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. 16-10867 Summary

On October 24, 2016, the City of Salina, Kansas, passed Ordinance No. 16-10867. The ordinance vacates a portion of an alley located between North Seventh Street and North Santa Fe Avenue south of North Street which no longer contains 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: October 17, 2016

Passed: October 24, 2016

Kaye J. Crawford, Mayor

[SEAL]

ATTEST:

Shandi Wicks, CMC, City Clerk

Certification of Publication Summary:

Greg A. Bengtson, City Attorney