

ORDINANCE NO. 2018-3145

AN ORDINANCE PURSUANT TO K.S.A. 12-504 AND 12-505, AS AMENDED, VACATING THE FOLLOWING DESCRIBED EASEMENT IN THE COLLEGE DRIVE PARK SUBDIVISION, IN THE CITY OF CONCORDIA, KANSAS.

A 22,808, more or less, square-foot tract of land described as a drainage easement, located in Lot 3, Block A, College Drive Park, an addition located partially in the Northwest Quarter of Section 9, Township 6 South, Range 3 West of the 6th Principal Meridian in the City of Concordia, Cloud County, Kansas more fully described as follows:

Beginning at the Southeast corner of said Lot 3; thence along the South line of said Lot 3 on a curve to the right with a radius of 310.00 feet, a chord length of 86.98 feet, a chord bearing of N 71°00'18" W and an arc length of 87.27 feet to a point on the West line of a KDOT Permanent Drainage Easement; thence N 06°50'47" W along said West line a distance of 452.38 feet to a point on the East line of said Lot 3; thence S 18°39'59" E along said East line a distance of 413.64 feet; thence S 02°31'56" E along said East line a distance of 85.67 feet to the Point of Beginning

as shown on Exhibit A, attached hereto;

WHEREAS, on November 6, 2018, notice was published in the official City newspaper, pursuant to K.S.A. 12-504, as amended, of the intent of the City of Concordia Planning Commission to hold a public hearing to consider a request for vacation of the above described easements and setbacks; and

WHEREAS, on November 27, 2018, at 7:00 p.m. at City Hall in Concordia, Kansas, the time and place stated in the above described notice, at a meeting of the Concordia Planning Commission duly called and held, all interested parties were afforded an opportunity to appear and be heard with respect to the proposed vacation of the property described above; and,

WHEREAS, after hearing such testimony as was produced before it, and such testimony as was required in order to fully understand the true nature of the petition and the propriety of granting the same, the Planning Commission determined, from the proofs and evidence presented, that due and legal notice has been given as required by statute, that no private rights will be injured or endangered by such vacation, and the public will suffer no loss or inconvenience thereby, and that in justice the vacation ought to be granted, all in accordance with K.S.A. 12-505; and,

WHEREAS, the Planning Commission thereupon voted to recommend approval of the vacation of the said drainage easement: and,

WHEREAS, no written objection was filed with the City Clerk, on or before the date of said hearing, by any owner or adjoining owner who would be party to a petition for vacation of said property,

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Concordia, Kansas:

Section 1. Pursuant to K.S.A. 12-504 and 12-505, as amended,

A 22,808, more or less, square-foot tract of land described as a drainage easement, located in Lot 3, Block A, College Drive Park, an addition located partially in the Northwest Quarter of Section 9, Township 6 South, Range 3 West of the 6th Principal Meridian in the City of Concordia, Cloud County, Kansas more fully described as follows:

Beginning at the Southeast corner of said Lot 3; thence along the South line of said Lot 3 on a curve to the right with a radius of 310.00 feet, a chord length of 86.98 feet, a chord bearing of N 71°00'18" W and an arc length of 87.27 feet to a point on the West line of a KDOT Permanent Drainage Easement; thence N 06°50'47" W along said West line a distance of 452.38 feet to a point on the East line of said Lot 3; thence S 18°39'59" E along said East line a distance of 413.64 feet; thence S 02°31'56" E along said East line a distance of 85.67 feet to the Point of Beginning;

as shown in "Exhibit A", attached hereto;

is hereby vacated.

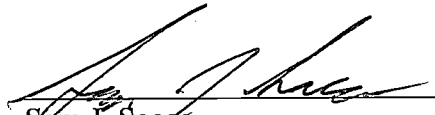
Section 2. Upon passage of this ordinance and publication of a summary of this ordinance in the official City newspaper, the City Clerk of said city is directed to file a certified copy of this ordinance in the Office of the Cloud County Register of Deeds.

Section 3. This ordinance shall be summarized for publication as follows:

On December 5, 2018, the City of Concordia adopted Ordinance No. 2018-3145, vacating a 22,808, more or less, square-foot drainage easement, located College Drive Park. A reproduction of this ordinance will be available for not less than one week following the publication of this summary of the ordinance at the website address of the City of Concordia, <http://www.concordiaks.org>. This summary is certified by the city attorney to be legally accurate and sufficient.


Section 4. Effective Date. This ordinance shall become effective from and after its passage and publication of the above ordinance summary in the official city newspaper. The provisions hereof are severable, and in the event of invalidity, for any reason, of any portion of this ordinance, the remaining provisions of the ordinance shall remain in full force and effect, with the invalid provisions deemed excised.

ADOPTED by the governing body and signed by the mayor this this 5th day of December, 2018.


Sam J. Saceo
Mayor

(SEAL)

ATTEST:



Stacey Smith
City Clerk

ORDINANCE CERTIFICATE

I hereby certify that the foregoing is an original ordinance; that said ordinance was passed on the 5th day of December; that the record of the final vote on its passage is found on page ____ of the minutes journal; that the ordinance summary was published in the Concordia Blade-Empire on the 7th day of December, 2018.


_____, City Clerk