

ORDINANCE NO. 739

AN ORDINANCE ORDERING THE VACATION OF A PUBLIC EASEMENT LOCATED IN THE CITY OF ROSE HILL, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS:

SECTION 1. An application was received from representatives of the owner of property that a portion of a previously dedicated public sanitary sewer easement is no longer needed for a public sanitary sewer service in U.S.D. #394 Addition.

SECTION 2. Having received a recommendation from the Rose Hill City Planning Commission on Case No. V-2025-01, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance 661, and K.S.A. 12-504 *et seq.* that a portion of the dedicated public sewer easement shall be vacated, subject to restrictions, specifically:

Legal description: The South 168 feet of a Sanitary Sewer Easement as established on the plat of U.S.D. #394 Addition, more particularly described as:

Commencing at the Northwest Corner of the Southwest Quarter of Section 5, Township 29 South, Range 3 East of the 6th Principal Meridian, Butler County, Kansas; thence along the North Line of said Southwest Quarter, a distance of 335.5 feet to the West Line of said easement; thence SO'35"54"E along said West Line, a distance of 88.82 feet to the Point of Beginning; thence N88'53'2"E, a distance of 15 feet to the East Line of said Easement; thence SO'35'54"E along said East Line, a distance of 168 feet; thence S88'53'2"W along the South Line of said Easement, a distance of 15 feet; thence NO'35'54"W along the West Line of said Easement, a distance of 168 feet to the Point of Beginning.

SECTION 3. In accordance with K.S.A. 12-504, the City has published the required statutory notice preceding a public hearing regarding the requested vacation of said portion of the dedicated public sanitary sewer easement.

SECTION 4. In accordance with K.S.A. 12-505, the Planning Commission heard evidence concerning the true nature and propriety of vacating a portion of the dedicated public sanitary sewer easement and made a recommendation to vacate a portion of the dedicated public sanitary sewer easement as described and shown in Exhibit A, subject to restrictions.

NOW, THEREFORE, BE IT ORDIANIED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS, AS FOLLOWS:

SECTION 1. Findings. In accordance with K.S.A, 12-505, the governing body finds and concludes that no private rights will be injured or endangered by the vacation of a portion of the dedicated public sanitary sewer as described and shown in Exhibit A, and that the public will not suffer loss or inconvenience because of such vacation. The governing body also finds and concludes that in justice to the Petitioner property owner that such vacation of the portion of the dedicated public sanitary sewer easement as described and shown in Exhibit A should be ordered.

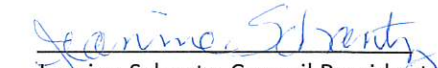
SECTION 2. As a condition of the vacation order, the owner shall be required to maintain or remove within the portion of vacated public sanitary sewer easement any existing sanitary sewer lines or other items of service at the owner's expense and to City of Rose Hill standards. Owner shall also be responsible for recording the vacation order at the Register of Deeds, at owner's expense.

SECTION 3. The governing body hereby orders that the easement described herein and in Exhibit A be vacated.

SECTION 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication as provided by law.



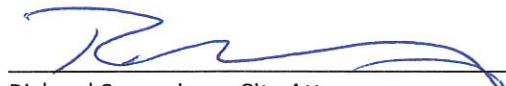
CITY OF ROSE HILL, KANSAS


Jeanine Schantz, Council President

ATTEST:


Kelly Mendoza, City Clerk

Approved as to form:


Richard Samaniego, City Attorney