

(Summary Published in the Leavenworth Times on April 29, 2022)

ORDINANCE NO. 8185

AN ORDINANCE VACATING PART OF THE RIGHT-OF-WAY ON A PORTION OF SHAWNEE STREET IN CENTRAL SUBDIVISION IN THE CITY OF LEAVENWORTH, LEAVENWORTH COUNTY, KANSAS.

WHEREAS, a petition for a vacation of part of the right-of-way on a portion of Shawnee Street in Central Subdivision in the City of Leavenworth, Leavenworth County, Kansas and fully described in Section 1 of this ordinance below has been submitted to the City of Leavenworth, Kansas; and

WHEREAS, the City Clerk of the City of Leavenworth, Kansas gave public notice of the same by publication in the official City newspaper on March 18, 2022 stating that a petition has been filed in the office of the City Clerk praying for such vacation, describing the property fully and setting April 12, 2022 as the hearing date on which the petition shall be presented to the Governing Body of the City for hearing and that at such time and place and giving instructions to all persons interested to be heard under the petition; and

WHEREAS, the petition did proceed to hearing as published and no objections were filed with the City Clerk or received at the time of the hearing; and

WHEREAS, all utility companies were notified and agreed to such vacation described in Exhibit A; and

WHEREAS, all the requirements of K.S.A. 12-504 *et. seq.* have been complied with.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. The right-of-way to be vacated are described as follows:

A part of Lot 1, RAFTER'S REPLAT of Block 61 of CENTRAL SUBDIVISION, and a part of said Block 61 of CENTRAL SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 22, 2022, more fully described as follows: Commencing at the Southwest corner of said Lot 1; thence North 01 degrees 10'05" West for a distance of 21.08 feet along the West line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 10'05" West for a distance of 46.15 feet along and extension of said Lot 1 to the South right of way line of Shawnee Street as per plans dated 1999; thence along a non-tangent curve to the right having a radius of 1470.00 feet and an arc length of 58.63 feet along said South right of way, being subtended by a chord bearing of North 77 degrees 29'31" East and a chord distance of 58.62 feet; thence South 37 degrees 08'30" West for a distance of 73.27 feet; thence South 87 degrees 58'37" West for a distance of 12.06 feet to the point of beginning. Together with and subject to easements, restrictions,

and covenants of record. Said Property contain 1680 square feet, more or less.
Error of Closure – 1 : 34885.

Section 2. The Governing Body of the City hereby determines from the proofs and evidence presented that legal notice has been given by publication as required, that no private rights will be injured or endangered by the vacation or exclusion of the above-described right-of-way, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the request of the petitioner ought to be granted. Therefore, those certain streets, road, alleys, or rights-of-ways, as previously platted or otherwise, and being more fully described and depicted in Exhibit A, are hereby vacated, subject to the provisions of this ordinance.

Section 3. Notwithstanding the foregoing, and pursuant to K.S.A. 12-505(a)(2), the City hereby reserves to the City and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such vacated right-of-way now in existence and use.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after the date of its publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 26th day of April 2022.

/s/ Camalla M. Leonhard
Camalla M. Leonhard, Mayor

{Seal}

ATTEST:

/s/ Sarah Bodensteiner
Sarah Bodensteiner, CMC, City Clerk

Exhibit A to Ordinance 8185

SHAWNEE STREET VACATION EXHIBIT

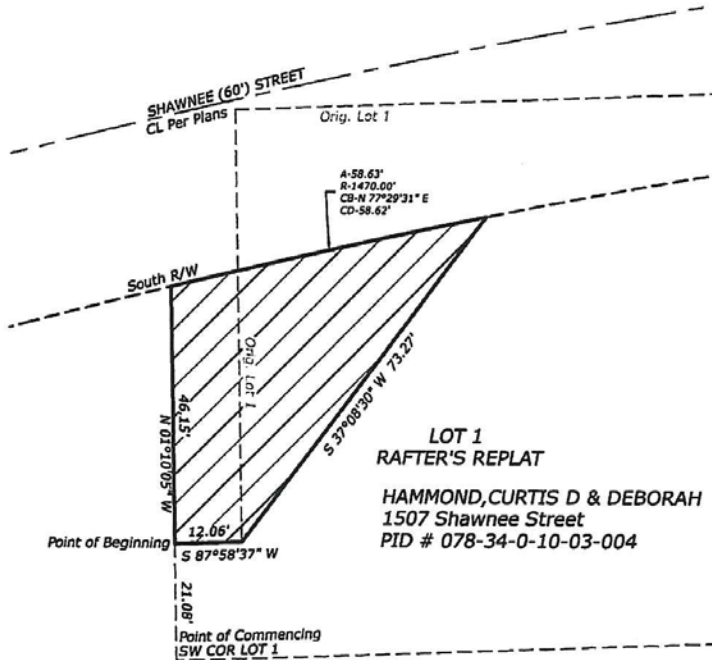
PREPARED FOR:
CITY OF LEAVENWORTH

NOTE:
The purpose of this exhibit is only for the representation of the proposed area to be vacated, as shown hereon in the hatched area. This does not constitute a boundary survey.

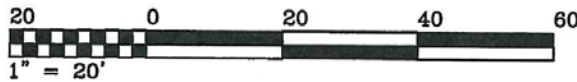
SHAWNEE STREET VACATION DESCRIPTION:

A part of Lot 1, RAFTER'S REPLAT of Block 61 of CENTRAL SUBDIVISION, and a part of said Block 61 of CENTRAL SUBDIVISION, in the City of Leavenworth, Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on January 22, 2022, more fully described as follows: Commencing at the Southwest corner of said Lot 1; thence North 01 degrees 10'05" West for a distance of 21.08 feet along the West line of said Lot 1 to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 10'05" West for a distance of 46.15 feet along and extension of said Lot 1 to the South right of way line of Shawnee Street as per plans dated 1999; thence along a non-tangent curve to the right having a radius of 1470.00 feet and an arc length of 58.63 feet along said South right of way, being subtended by a chord bearing of North 77 degrees 29'31" East and a chord distance of 58.62 feet; thence South 37 degrees 08'30" West for a distance of 73.27 feet; thence South 87 degrees 58'37" West for a distance of 12.06 feet to the point of beginning.

Together with and subject to easements, restrictions, and covenants of record.
Said Property contain 1680 square feet, more or less.
Error of Closure - 1 : 34885



Scale 1" = 20'
Job # K-21-1535
January 22, 2022



Joseph A. Herring, Inc. (d/b/a)
HERRING
SURVEYING
COMPANY

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Email - info@herringco.com



THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY