

Passed: September 10, 2019  
Published: September 18, 2019

**ORDINANCE NO. 2401**

**AN ORDINANCE VACATING A PLATTED 10 FT. UTILITY EASEMENT BETWEEN LOTS 4 AND 5, BLOCK H, THE OAKS, AN ADDITION TO DERBY, SEDGWICK COUNTY, KANSAS.**

**WHEREAS**, Summerchase Derby, LLC (“Applicant”) has requested vacation of the following described portion of platted utility easement:

The east-southeasterly 115.00 feet of the 10.00 foot utility easement centered on the lot line common to Lots 4 and 5, Block H, as granted in The Oaks, an Addition to Derby, Sedgwick County, Kansas.

**WHEREAS**, such request was transmitted to affected property owners and agencies with an interest in said platted utility easement for comment; and

**WHEREAS**, the Planning Commission of the City conducted a public hearing on August 1, 2019 to determine the advisability of the proposed vacation, at which time, all interested persons in attendance were heard; and

**WHEREAS**, no written objection pursuant to K.S.A. 12-505 to the proposed vacation was received by the Planning Commission at the time of or before the hearing; and

**WHEREAS**, the Planning Commission determined that due and legal notice of the petition to vacate was given as required by law, that no private rights will be injured or endangered by such vacation, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner, the prayer of the petitioner ought to be granted; and

**WHEREAS**, the Governing Body adopts the findings of the Planning Commission and finds that no private rights will be injured by such proposed vacation of the above-described portion of platted utility easement, and that the same should be granted.

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

**Section 1.** The portion of platted utility easement more particularly described as:

The east-southeasterly 115.00 feet of the 10.00 foot utility easement centered on the lot line common to Lots 4 and 5, Block H, as granted in The Oaks, an Addition to Derby, Sedgwick County, Kansas.

is hereby ordered to be vacated subject to the reservation(s) stated in Section 2 herein.

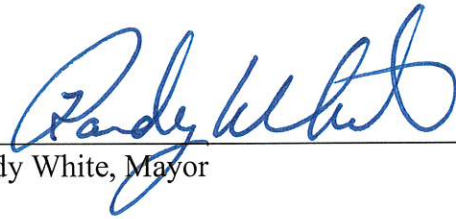
**Section 2.** The Applicant or their assigns shall be responsible for any costs associated with the relocation of any existing utilities located within said easement.

**Section 3.** Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

**Section 4.** This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law.

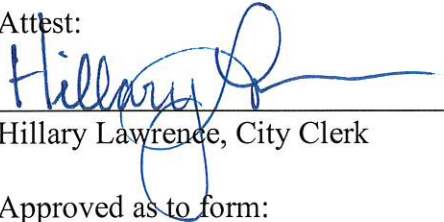
**Section 5.** The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, *et seq.*, and amendments thereto.

**PASSED** by the City Council this 10th day of September, 2019, and **SIGNED** by the Mayor.



Randy White, Mayor

Attest:



Hillary Lawrence, City Clerk

Approved as to form:



Jacqueline R. Butler, City Attorney

