

(Published on the City of Augusta website, [www.augustaks.org](http://www.augustaks.org)  
on the 17th day of October 17, 2023)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE No. 2228

AN ORDINANCE DECLARING IT TO BE IN THE INTEREST OF  
THE PUBLIC WELFARE AND SAFETY TO VACATE AND  
DISCONTINUE A PREVIOUSLY DEDICATED EASEMENT IN THE  
CITY OF AUGUSTA, KANSAS.

**WHEREAS**, DJ Engineering, Inc., as owner of an underlying fee interest containing a previously dedicated easement, has requested that the City of Augusta, Kansas vacate that easement pursuant to the provisions of K.S.A. 12-16, 104 in return for a replacement easement across the underlying fee interest; and

**WHEREAS**, DJ Engineering, Inc. as owner of the underlying fee interest, has waived the notice publication provisions of K.S.A. 12-16, 104 to allow immediate vacation of the previously dedicated easement; and

**WHEREAS**, based upon the request of DJ Engineering, Inc., the City of Augusta, Kansas has determined it necessary and expedient to vacate and discontinue the previously dedicated public easement within the City of Augusta, Kansas to promote the public welfare and safety of the citizens of Augusta, Kansas; and

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

**SECTION 1:** The governing body of the City of Augusta, Kansas hereby finds that DJ Engineering, Inc., as owner of the underlying fee interest containing the previously dedicated easement herein after more fully described, has requested that the City of Augusta, Kansas vacate that easement pursuant to the provisions of K.S.A. 12-16, 104, waived the notice of publication provisions of K.S.A. 12-16, 104 to allow immediate vacation of said previously dedicated easement, and provided the City of Augusta, Kansas a replacement easement across the underlying fee interest. The City of Augusta, Kansas will not charge the underlying property owner any fee to release this easement.

**SECTION 2:** It is hereby declared pursuant to the provisions of K.S.A. 12-16, 104, to be necessary and expedient in the interest of public welfare and safety to annul, vacate and discontinue the previously dedicated easement within the City of Augusta, Kansas as herein after more fully described.

**SECTION 3:** The following described previously dedicated easement within the City of Augusta, Kansas is hereby annulled, vacated and discontinued, pursuant to the provisions of K.S.A. 12-16, 104, to-wit:

That portion of the 80' Drainage & Utility Easement as recorded in Book 2015, Page 7713 on file at the Butler County Register of Deed Office lying West of the 15' Utility Easement as platted in Lot 1, Block 1, Block A, D-J Engineering Addition a replat of Lots 10-11, Block 15, Wilday Addition; Lots 1-5 Block 1, W.E. Brown Addition; Lots 1-16, Block 3 W.E. Brown Addition; Lots 7-8, Block 15, Original Town; Lots 1-3, Block

22, Original Town City of Augusta, Kansas prepared by Lloyd P. Dorzweiler, PS885 on September 1, 2023.

**SECTION 4:** The following described portion of the previously dedicated easement within the City of Augusta, Kansas will be retained, to-wit:

A 12.00 FEET WIDE PRIVATE EASEMENT LYING IN LOT 1, BLOCK A, D-J ENGINEERING ADDITION A REPLAT OF LOTS 10-11, BLOCK 15, WILDAY ADDITION; LOTS 1-5 BLOCK 1, W.E. BROWN ADDITION; LOTS 1-16, BLOCK 3 W.E. BROWN ADDITION; LOTS 7-8, BLOCK 15, ORIGINAL TOWN; LOTS 1-3, BLOCK 22, ORIGINAL TOWN CITY OF AUGUSTA, KANSAS PREPARED BY LILOYD P. DORZWEILER, PS885 ON SEPTEMBER 1, 2023, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 00°46'16" WEST (BASIS OF BEARING IS NAD83 GRID KANSAS SOUTH ZONE) ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 253.75 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°46'16" WEST ALONG THE WEST LINE OF SAID LOT 1 A DISTANCE OF 12.00 FEET TO THE EXTENSION OF THE SOUTH FACE OF A BUILDING AT 220 WEST 5TH AVENUE; THENCE NORTH 89°37'20" EAST ALONG THE SOUTH FACE OF A BUILDING AT 220 WEST 5TH AVENUE AND THE EXTENSIONS THEREOF 157.19 FEET TO THE EXTENSION OF THE WEST LINE OF A 15' UTILITY EASEMENT AS PLATTED IN SAID D-J ENGINEERING ADDITION; THENCE SOUTH 00°52'36" EAST ALONG THE WEST LINE OF SAID 15' UTILITY EASEMENT AND THE EXTENSION THEREOF 12.00 FEET; THENCE SOUTH 89°37'20" WEST PARALLEL WITH THE SOUTH FACE OF A BUILDING AT 220 WEST 5TH AVENUE AND THE EXTENSIONS THEREOF 157.21 FEET TO THE POINT OF BEGINNING.

**SECTION 5:** Upon its annulment, vacation and discontinuance as a public easement, said easement shall become part of the fee interest in the underlying real property.

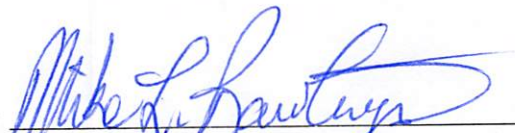
**SECTION 6:** Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after publication in the official city newspaper unless one or more interested parties file a written protest with the City Clerk during that period.

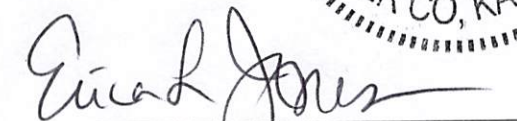
Passed by the City Council this 16<sup>th</sup> day of October 2023.

Approved by the Mayor this 16<sup>th</sup> day of October 2023.

ATTEST:



  
MIKE L. RAWLINGS, MAYOR

  
ERICA L. JONES, CITY CLERK

[SEAL]