

(First Published in the Butler County Times-Gazette
on the ____ day of _____, 2014.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2071

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;

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.

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:

Beginning at the Northwest corner of Lot Six (6) in Block Three (3) in the Augusta Industrial Park in the Southwest Quarter (SW4) of Section 23, Township 27 South, Range 4 East of the Sixth Principal Meridian in Augusta, Kansas; thence on a platted bearing of N45°01'11"E, along the Southeasterly Right-of-way of the Burlington Northern Santa Fe Railroad, a distance of 469.06 feet; thence N88°56'49"E, a distance of 142.09 feet to a point on the West line of Lot Two (2) in the Custer Lane Addition to the City of Augusta, Kansas; thence S01°04'23"E, along said West line, a distance of 20 feet; thence S88°56'49"W, a distance of 134.04 feet; thence S45°01'11"W, parallel with said Southeasterly Railroad Right-of-way, a distance of 440.22 feet to a point on the North line of the Augusta Industrial Park and Lot Six (6) thereof; thence S88°55'28"W, a distance of 28.84 feet to the Point of Beginning.


Section 4. 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 5. 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.

Adopted by the City Council this 20th day of October, 2014.

Approved by the Mayor this 20th day of October, 2014.


MAYOR, KRISTEY WILLIAMS

SEAL

ATTEST:


CITY CLERK, ERICA JONES

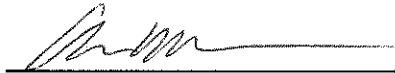


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SUMMARY OF CITY OF AUGUSTA ORDINANCE NO. 2071

Notice is hereby given that the Governing Body of Augusta, Kansas did, on the 20th day of October 2014; pass Ordinance No. 2071, declaring it to be in the interest of the public welfare and safety to vacate and discontinue a previously dedicated easement within the City of Augusta Industrial Park, Butler County, Kansas and returning the same to the underlying property. The complete text of the Ordinance may be obtained or viewed free of charge at the office of the Augusta City Clerk. Additionally, the full text of the Ordinance may be viewed on the City's official website www.augustagov.org for a minimum of one week following the date of this publication.

I hereby certify that this summary of Ordinance No. 2071 is legally accurate and sufficient for publication, pursuant to the provisions of K.S.A. 12-3007.



Austin K. Parker
Augusta City Attorney