

(Summary First Published in the Butler County Times-Gazette  
on the 9<sup>th</sup> day of April, 2016.)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2092

AN ORDINANCE VACATING AND CANCELING THE PLAT  
AND PLATTING OF THE GREENS AT WILLOWBROOK  
ADDITION TO THE CITY OF AUGUSTA, BUTLER  
COUNTY, KANSAS PURSUANT TO AND IN  
ACCORDANCE WITH THE PROVISIONS OF K.S.A. 14-423

WHEREAS, the City of Augusta, Kansas is a city of the second class pursuant to the laws of the State of Kansas; and

WHEREAS, K.S.A. 14-423 and K.S.A. 14-423a provide that the governing body of any city of the second class shall have power to vacate or cancel any addition or part of addition whenever deemed necessary or expedient and reasonable; and

WHEREAS, the following legally described real property was platted as the undeveloped Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas, as filed with the Butler County, Kansas Register of Deeds on the 5th day of January, 2004, to-wit:

Beginning at the Southwest Corner of the Southeast Quarter of Section 14, Township 27 South, Range 4 East of the 6<sup>th</sup> P.M. Butler County, Kansas; thence N00°07'43"E on the West line of said Southeast Quarter for a distance of 872.30 feet; thence S89°52'17"E for a distance of 250.66 feet; thence S40°30'18"E for a distance of 203.42 feet; thence S01°19'39"E for a distance of 234.79 feet; thence S00°02'26"E for a distance of 40.00 feet to a point on the South line of said Southeast Quarter; thence S89°59'18"W for a distance of 624.38 feet to the point of beginning, subject to street right-of-way, containing 8.52 acres more or less, not including Custer Lane or Williams Avenue; and

WHEREAS, the current owner(s) and only person(s) in actual or constructive possession of the real property constituting the Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas has(ve) requested that the governing body of the City of Augusta, Kansas vacate and cancel the plat and platting of the Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas, and that upon said

vacation, such land shall be listed for taxation and other purposes as though it had never been platted; and

WHEREAS, in the interest of the City of Augusta, Kansas, it is found and deemed to be expedient and reasonable to vacate and cancel the plat and platting of the Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas;

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

Section 1. It is hereby declared, pursuant to the provisions of K.S.A. 14-423, to be expedient, reasonable and in the interest of the public welfare to vacate and cancel the plat and platting of the undeveloped Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas.

Section 2. The plat and platting of the Greens at Willowbrook Addition to the City of Augusta, Butler County, Kansas is hereby vacated and canceled, pursuant to the provisions of K.S.A. 14-423, and the following described land shall be listed for taxation and other purposes as though it had never been platted, to-wit:

Beginning at the Southwest Corner of the Southeast Quarter of Section 14, Township 27 South, Range 4 East of the 6<sup>th</sup> P.M. Butler County, Kansas; thence N00°07'43"E on the West line of said Southeast Quarter for a distance of 872.30 feet; thence S89°52'17"E for a distance of 250.66 feet; thence S40°30'18"E for a distance of 203.42 feet; thence S01°19'39"E for a distance of 234.79 feet; thence S00°02'26"E for a distance of 40.00 feet to a point on the South line of said Southeast Quarter; thence S89°59'18"W for a distance of 624.38 feet to the point of beginning, subject to street right-of-way, containing 8.52 acres more or less, not including Custer Lane or Williams Avenue

Section 3. This Ordinance shall not be so applied as to divest any person of possession who is in actual or constructive possession of the above described real property.

Section 4. Effective Date

This Ordinance shall take effect and be in force 30 days from and after publication in the official city newspaper unless one or more interested parties file a written protest before the expiration of such time.

In the event such a protest is filed in the office of the Augusta City Clerk within such time, the governing body shall set the same for hearing 10 days after the end of the 30 day period. At the conclusion of the hearing, the governing body may adopt a

resolution confirming this Ordinance and file it with the County Clerk and Register of Deeds. If such resolution is not adopted, this Ordinance shall be void and of no effect.

Pursuant to the provisions of K.S.A. 14-423, immediately after this Ordinance becomes effective, the Augusta City Clerk shall file a certified true and correct copy thereof in the office of the County Clerk and in the office of the Register of Deeds at no charge.

Passed by the City Council this 4<sup>th</sup> day of April, 2016.

Approved by the Mayor this 4<sup>th</sup> day of April, 2016.

/s/  
MATT C. CHILDERS, MAYOR

SEAL

ATTEST:

/s/ERICA L. JONES, CITY CLERK