

ORDINANCE NO. 4188

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AN ORDINANCE CONFIRMING PRIOR VACATIONS, AND RE-VACATING CERTAIN  
OF THE PUBLIC STREET AND ALLEY RIGHTS OF WAY IN CHAPMAN'S  
ADDITION TO THE CITY OF GARNETT, KANSAS, LYING WITHIN AND  
ADJACENT TO BLOCKS 11, 12 AND 22 OF SAID ADDITION; PROVIDING FOR  
THE RIGHT OF INTERESTED PERSONS TO PROTEST AND FOR THE RECORDING  
OF THIS ORDINANCE AS A PUBLIC RECORD, PURSUANT TO K.S.A. 14-423.  
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WHEREAS, the recorded plat of Chapman's Addition to the City of Garnett, Kansas, describes a public street right of way, denominated "Oak Street" lying between Blocks 11 and 12 and to the north and east of Block 22 of said addition; and,

WHEREAS, the said plat also provides for alleys running north and south and east and west in Block 12, and east and west in Block 11; and,

WHEREAS, a portion of said "Oak Street", lying east of Lot 1, Block 12 in Chapman's Addition to the City of Garnett, Kansas, was vacated in Ordinance #383, dated March 6, 1907, but said ordinance appears to have been conditioned on certain considerations required of the then owner of adjacent lands which may restrict or even abrogate the effect of said ordinance; and,

WHEREAS, the alley lying between Lots 3 and 6 in Block 11 of Chapman's Addition to the City of Garnett, Kansas, was vacated in Ordinance #618, dated February 8, 1915; and,

WHEREAS, some of the alleyways in Block 12 and an additional part of "Oak Street" were vacated in Ordinance #966, dated August 2, 1926; and,

WHEREAS, other ordinances were adopted from time to time vacating additional alleyways in various locations within said Chapman's Addition, and finally by virtue of Ordinance #1489, the remainder of all alleys running north and south in Chapman's Addition, not theretofore previously vacated, were then vacated; said ordinance was passed and approved August 12, 1946; and,

WHEREAS, the aforesaid patchwork of vacating ordinances leaves some questions as to exactly what rights of way in Chapman's Addition have been vacated; and,

WHEREAS, recent changes in ownership have occurred and the new owner is desirous of erecting new commercial structures in parts of Block 11 and Block 12, but further needs certainty with respect to said vacating ordinances and the exact rights of way affected thereby; and,

WHEREAS, it is in the best interest of the City of Garnett to clarify any ambiguity with respect to such prior vacation ordinances.

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

SECTION 1: The public street right of way lying between Block 11 and Block 12 and north and east of Block 22, and also lying along the northwest right of way line of what is now known as the Prairie Spirit Rail Trail (originally denoted on the said plat as "Railroad Grounds" and later known as the "A.T. & S.F. R.R."), commonly called and known as "Oak Street" in the Chapman's Addition to the City of Garnett, Kansas, from its intersection on the north with Ninth Avenue running south to its connection with Tenth Avenue, to-wit: to the north right of way line with said Tenth Avenue, thence due South to the lower northwest corner of Lot 1, Block 22, is hereby vacated as a public street.

SECTION 2: Any right of way denominated "Oak Street", intersecting on the north with Ninth Avenue, immediately north of Lot 3, Block 12, and running irregularly to the south through said Lot 3 and additionally through Lot 18, Block 12, all in the Chapman's Addition to the City of Garnett, Kansas, is hereby vacated as a public street.

SECTION 3: The alleyways running east and west in Block 11 and in Block 12 of Chapman's Addition to the City of Garnett, Kansas, are hereby vacated as public rights of way.

SECTION 4: The alleyways running north and south in Block 12 of Chapman's Addition to the City of Garnett, Kansas, are hereby vacated as public rights of way.

SECTION 5: To the extent not inconsistent herewith, Ordinance #383, Ordinance #618, Ordinance #966 and Ordinance #1489 are ratified and confirmed. In the event of any conflict, the provisions of this ordinance shall prevail.

SECTION 6: Within a period of 30 days after the publication of this ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to this vacation of the said street right-of-way in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas. Unless a written protest is filed within such 30 day period, this ordinance shall become effective.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 6 hereof.

SECTION 8: A certified copy of this ordinance, after the

same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED this \_\_\_\_\_ day of July, 2017.

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Mayor

A T T E S T:

\_\_\_\_\_  
City Clerk