

**ORDINANCE 4194  
VACATING A PART OF THE CATALPA STREET RIGHT OF WAY**

AN ORDINANCE VACATING A PART OF THE PUBLIC STREET RIGHT OF WAY, DESIGNATED AS “CATALPA STREET” ON THE PLAT OF THE MAGGIO ADDITION TO THE CITY OF GARNETT, KANSAS, LYING ALONG THE WEST SIDE OF LOT TEN (10) OF SAID ADDITION; RESERVING THE UTILITY EASEMENT IN A PART THEREOF; 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.

**WHEREAS**, the recorded plat of Maggio Addition to the City of Garnett, Kansas, describes a public street right of way lying along all of the west side of said addition, which is named “Catalpa Street” and which right of way includes right of way for public utilities; and,

**WHEREAS**, a part of said right of way is immediately adjacent to the west boundary of Lot Ten (10); and,

**WHEREAS**, through mistake or oversight, a commercial building was erected on a part of said Lot Ten (10), the western part of which structure encroaches into the designated right of way of Catalpa Street; and,

**WHEREAS**, after investigation by administrative staff and consideration of the matter by the Governing Body of the City of Garnett, Kansas, it is determined that the area of encroachment is sufficiently small as not to be likely to impede any reasonably anticipated future expansion and development of the existing street in that immediate area, and in the interest of encouraging future business use of Lot 10 and the existing structure now thereupon situated, vacating a part of the said right of way is in the city’s best interest.

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

**SECTION 1.** That part of the public street right of way commonly known as Catalpa Street, as shown upon the plat of Maggio Addition to the City of Garnett, Kansas, and ratified and confirmed in words by the accompanying dedication of said plat, is hereby vacated in part, as hereinafter particularly described, to-wit:

Beginning at the southwest corner of Lot Ten (10) of Maggio Addition to the City of Garnett, thence Northwesterly to a point fifteen (15) feet west of the west line of said Lot Ten (10) and 195 feet south of the north line of said Lot Ten (10), thence due North and parallel to the west line of said Lot Ten (10) a distance of 195 feet to a point fifteen (15) feet west of the northwest corner of said Lot Ten (10), thence East fifteen (15) feet to the northwest corner of said Lot Ten (10), thence South along the west line of said Lot Ten (10) a distance of 580 feet to the point of beginning, Anderson County, Kansas.

**SECTION 2.** There is hereby reserved by the City of Garnett, Kansas, for its perpetual use and benefit a utility easement in the south 385 feet of that portion of the strip vacated and described in Section 1 hereof.

**SECTION 3.** Within a period of thirty (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 thirty (30) day period, this ordinance shall become effective.

**SECTION 4.** 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 Three (3) hereof.

**SECTION 5.** A certified copy of this ordinance, after the same becomes full 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 AND APPROVED BY THE GOVERNING BODY OF GARNETT, KANSAS,** this 14<sup>th</sup> day of November, 2017.

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W. Gordon Blackie, Mayor

ATTEST:

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Kristina L. Kinney, City Clerk

