

ORDINANCE NO. 1558

**AN ORDINANCE VACATING A PUBLIC UTILITY EASEMENT
ACROSS PRIVATE PROPERTY WITHIN THE CITY OF COLBY,
KANSAS.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF
COLBY, KANSAS:**

WHEREAS, the City of Colby, Kansas has received a request for the vacation of a permanent easement across private property located between Lots 22 & 23, Eco Acres Subdivision; and

WHEREAS, the Permanent Easement was recorded in 1981 with the Thomas County Register of Deeds on Slide 137; and

WHEREAS, the City has caused a Notice of Public Hearing to be published in the official City newspaper according to K.S.A. 12-504, *et seq.*, and amendments thereto; and

WHEREAS, the Governing Body of the City has held a hearing on said request and the Governing Body has determined that due and legal notice has been given by publication as required by statute; and

WHEREAS, the Governing Body heard the evidence at the public hearing on October 6, 2015; and

WHEREAS, the Governing Body having reviewed and weighed the evidence finds:

1. No private rights will be injured or endangered by this vacation; and
2. The public will suffer no loss or inconvenience by this vacation; and
3. The petitioner should in the interest of justice be granted this request.

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

SECTION 1. The following described real estate, previously dedicated as a permanent public utility easement should be and is hereby vacated, to wit:

A 10' x 155' utility easement situated adjacent to and running parallel with the common boundary line between Lots 22 & 23 in Eco Acres Subdivision. (See attached Exhibit A)

SECTION 2. That said Ordinance shall take effect from and after its passage and publication as required by law.

SECTION 3. This Ordinance shall be filed in the office of the Thomas County Clerk and in the office of the Thomas County Register of Deeds.

PASSED AND APPROVED BY THE GOVERNING BODY this 6th day of October, 2015.

Gary L. Adrian, Mayor

ATTEST:

Joni L. Ketchum, City Clerk

SEAL