

(Ordinance Summary published in the Hillsboro Star-Journal on May 11, 2022 and the full text of the ordinance made available at www.cityofhillsboro.net for a minimum of one (1) week from the date of publication.)

ORDINANCE NO. 1349

AN ORDINANCE OF THE CITY OF HILLSBORO, KANSAS VACATING AN ALLEY LOCATED IN BLOCK 8 BUSHMAN'S ADDITION TO HILLSBORO, KANSAS AND TABOR RESIDENCE ADDITION TO HILLSBORO, KANSAS.

WHEREAS, the governing body of the City of Hillsboro, Kansas (the "City") has received a petition from Tabor College praying for the vacation of an alley where Tabor College is the primary land owner on all sides of the alley;

WHEREAS, the alley is legally described as:

The entire alley in Block 8 Bushman's Addition to Hillsboro, beginning on the south line of Tabor Residence Addition to the north right of way line of Southern Avenue (now C Street) & the entire alley in Tabor Residence Addition, beginning on the south right of way line of B Street to the north line of the remaining Bushman's Addition.

(the "Alley");

WHEREAS, the governing body of the City finds proper notice was given and a public hearing was held by the Hillsboro City Planning Commission (the "Planning Commission") on said petition on April 14, 2022, all as provided by law, including K.S.A. 12-504 *et seq.* and K.S.A. 14-423 *et seq.* (collectively, the "Act");

WHEREAS, the governing body of the City has received a recommendation from the Planning Commission on said petition; and

WHEREAS, the governing body determines it necessary and appropriate to vacate the Alley, but reserve a utility easement for use by the City.

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

SECTION 1. Findings of Fact. Pursuant to the Act, the governing body finds and determines that due and legal notice has been given by publication as required in the Act, that no private rights will be injured or endangered by such vacation or exclusion, and that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner or petitioners the prayer of the petitioner ought to be granted.

SECTION 2. Vacation and Reservation. The Alley is hereby vacated; provided, however, that the City hereby reserves for itself a perpetual right-of-way and easement for the purpose of constructing, maintaining, and repairing all public utilities, over, along, and under the Alley.

SECTION 3. Effective Date; Recording. This Ordinance shall take effect and be in full force from and after (i) its adoption and approval, and (ii) 30 days after its publication one time in the City's official newspaper, or publication of a summary hereof certified as legally accurate and sufficient by the City Attorney, unless one or more interested parties file a written protest with the City before the expiration of such time. Immediately after this Ordinance takes effect, the City Clerk shall file a copy of this Ordinance which has been certified by the City Clerk as a true and correct copy in the office of the Marion County Clerk and in the office of the Marion County, Kansas Register of Deeds.

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PASSED AND APPROVED by the Governing Body of the City of Hillsboro, Kansas this
3rd day of May, 2022.



CITY OF HILLSBORO, KANSAS



Lou Thurston, Mayor



Danielle Bartel, City Clerk