

ORDINANCE NO. 2933

AN ORDINANCE VACATING A PORTION OF THE RIGHT-OF-WAY OF RAILROAD STREET IN BLOCK 1, EAST HEIGHTS ADDITION, IN THE CITY OF PAOLA, KANSAS.

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

SECTION 1. That in accordance with the provisions of K.S.A. 12-504 through 12-506 and 12-509 the portion of the right-of-way of Railroad Street in Block 1, East Heights Addition, in the City of Paola, Kansas, identified as Tract "A", Tract "B", and Tract "C" on the attached Plat of Legal Description, be and the same is hereby vacated and said portion of the alley shall revert to the owners of the real estate thereto adjacent and immediately abutting thereon in proportion to the frontage of such real estate upon said vacated street right-of-way; PROVIDED HOWEVER, that the City of Paola, reserves for itself, and its assigns, the right to erect, install, operate, replace, repair and maintain any and all water lines, sewer lines, gas lines, telephone lines, electrical utility lines, and cable TV lines presently located, if any under, through, over, along and across the described portion of alley so vacated.

SECTION 2. Immediately after this Ordinance becomes effective, the City Clerk shall file a copy thereof that has been certified by the Clerk as a true and correct copy to the office of the County Clerk and in the office of the Register of Deeds.

SECTION 3. That this ordinance shall become effective upon passage and publication in the Official City Newspaper.

PASSED By the Council this 12th day of December, 2006.

APPROVED by the Mayor this 12th day of December, 2006.

Artie Stuteville, Mayor

ATTEST:

Daniel G. Droste, City Clerk

ATTACHMENT – PLAT OF LEGAL DESCRIPTION

TRACT “A”

All that part of vacated Railroad Street described as follows:

Beginning at the Northeast corner of Lot 20, Block 5, EAST HEIGHTS ADDITION, City of Paola, Miami County, Kansas; thence N10°43'07"E parallel to the Easterly line of said Lot 20 a distance of 26.59 feet to the centerline of said Railroad Street; thence S59°21'10"E along the centerline of said Railroad Street a distance of 26.59 feet; thence S10°43'07"W along the centerline of said Railroad Street a distance of 47.12 feet; thence N79°48'50"W a distance of 25.00 feet to a point on the Westerly line of said Railroad Street; thence N10°43'07"E along the Westerly line of said Railroad Street a distance of 29.83 feet to the Point of Beginning.

TRACT “B”

All that part of vacated Railroad Street described as follows:

Beginning at the Northwest corner of Lot 33, Block 1, EAST HEIGHTS ADDITION, City of Paola, Miami County, Kansas; thence S10°43'07"W along the Easterly line of said Railroad Street a distance of 12.00 feet; thence N79°48'50"W parallel to the Northerly line of said Lot 33 a distance of 25.00 feet to the centerline of said Railroad Street; thence N10°43'07"E along the centerline of said Railroad Street a distance of 47.12 feet to the intersection of the centerline of said Railroad Street from the West; thence N65°40'59"E a distance of 30.53 feet to the Southeast corner of Lot 26, Block 1 of said EAST HEIGHTS ADDITION; thence S10°43'07"W along the Easterly line of said Railroad Street a distance of 52.42 feet to the Point of Beginning. Subject to an Ingress/Egress Easement described as being the Westerly 15.00 feet of the above described Tract.

TRACT “C”

All that part of vacated Railroad Street described as follows:

Beginning at the Southeast corner of Lot 26, Block 1, EAST HEIGHTS ADDITION, City of Paola, Miami County, Kansas; thence N59°21'10"W along the Northerly line of said Railroad Street a distance of 53.18 feet; thence S10°43'07"W along the extension of the Westerly line of said Railroad Street from the South a distance of 26.59 feet to the centerline of said Railroad Street; thence S59°21'10"E along the centerline of said Railroad Street a distance of 26.59 feet to the intersection of the centerline of said Railroad Street from the South; thence N65°40'59"E a distance of 30.53 feet to the Point of Beginning.