

**ORDINANCE NUMBER 438**

**AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, VACATING A PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 120 IN THE ORIGINAL TOWN, NOW CITY OF HIGHLAND, DONIPHAN COUNTY, KANSAS:**

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

SECTION 1: That following petition, notice and hearing, and in accordance with Resolution No. 01-08, the governing body, at the June 4, 2003 council meeting, made a determination to grant the requested vacation, subject to certain conditions.

SECTION 2: That the hereinafter described property located and situated in the Original Town, now the City of Highland, Doniphan County, Kansas, otherwise known and described as the south 110 feet of the north-south alley in Block 120, was conditionally vacated, with said property being more particularly described as follows, to wit:

*That portion of the north-south alley in Block 120, City of Highland, Doniphan County, Kansas, bounded on the north by the north boundary lines of Lots 6 and 9 extended to the point where they converge and bounded on the south by the south boundary lines of Lots 7 and 8 extended to the point where they converge.*

Said vacation did not vacate any portion of the right-of-way located immediately contiguous to the south of said Block 120.

SECTION 3: That this ordinance was passed on the specific conditions that the requested variance from the required setback be approved by the board of zoning appeals and that the owner of the property contiguous to said alley execute an easement across Lots 8 and 9, Block 120, to allow for the relocation of the existing sewer line, if such were to be required in the future, as well as a waiver of damages from any required execution of such easement, including damage to any existing structures.

SECTION 4. That the conditions in said vacation have only recently been met and, given the passage of time, it is appropriate for this governing body to formally approve said vacation by adoption of this ordinance.

SECTION 5. That this ordinance shall take effect upon summary publication in the official city newspaper.

PASSED BY THE GOVERNING BODY and approved by the Mayor of the City of Highland, Kansas, this 10<sup>th</sup> day of September, 2013.

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Ken Stewart, Mayor

ATTEST:

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Melanie Hollabaugh, City Clerk