

**ORDINANCE NUMBER 529**

**AN ORDINANCE OF THE CITY OF HIGHLAND, KANSAS, RE-DEDICATING A PORTION OF VACATED NEBRASKA STREET, SITUATED BETWEEN VIRGINIA STREET AND PENNSYLVANIA STREET, AND AUTHORIZING THE RELATED DISPOSITION AND EXCHANGE OF CERTAIN CONTIGUOUS DESCRIBED REAL ESTATE IN BLOCKS 105 AND 106, ALL IN THE ORIGINAL TOWN, NOW CITY OF HIGHLAND, DONIPHAN COUNTY, KANSAS:**

WHEREAS, said City previously vacated that portion of Nebraska Street described herein, by passage of Ordinance No. 205 on October 7, 1953, following the abandonment of certain railroad right-of-way through said City, though said area has been continuously used as a traveled way since its vacation; and

WHEREAS, it is in the best interests of said City and its constituents, and in the interest of the public health, safety and welfare, to re-dedicate said street as a public street right-of way; and

WHEREAS, in order to accomplish such dedication, a sale and exchange of real estate as described herein, and as set forth in an *AGREEMENT FOR THE EXCHANGE OF REAL ESTATE* dated May 11, 2016, is required and appropriate; and

WHEREAS, following such dedication, said City retains ownership of certain real estate, as described herein, which is no longer useful to the City, and which should be offered for sale to the public.

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

SECTION 1. The City shall convey and transfer, pursuant to its statutory and home rule authority, by quitclaim deed, all of its interest in and to the following described real estate, and any permanent improvements thereon and thereto, to Dennis B. Lentz:

*Lot One (1), in Block 106, in the Original Town, now City of Highland, Doniphan County, Kansas.*

SECTION 2. The transfer and conveyance set forth in Section 1 hereinabove shall be in exchange for the payment of \$1,000 and, in addition, the conveyance to City, by quitclaim deed, the following described real estate:

*That portion of the public right-of-way formerly described as Nebraska Street on the original plat of the City of Highland and specifically described as follows: Beginning at the northeast corner of Block 105, thence southerly along the east line of Lot 6, in Block 105, thence easterly approximately thirty feet (30') to the centerline of the original Nebraska Street right-of-way, thence northerly to a point approximately thirty feet (30') east of the northeast corner of Block 105, thence westerly to the point of beginning, said tract constituting that portion of the west one-half (1/2) of said Nebraska Street which is contiguous to Lot 6, in Block 105 of said city, said land being previously vacated by Ordinance Number 205 of said city as passed October 7, 1953.*

SECTION 3. Dennis B. Lentz shall retain certain easements for rainwater drainage and a retaining wall, all as described in the aforementioned agreement.

SECTION 4. The following described real estate is hereby dedicated as a public street right-of-way, to be hereafter known and described as Nebraska Street on the official records and plat of the City:

*That portion of the public right-of-way formerly described as Nebraska Street on the original plat of the City of Highland, which was located between the south line of Virginia Street and the north line of Pennsylvania Street and which is more specifically described as follows: Beginning at the northeast corner of Block 105, thence southerly along the east lines of Lots 6 and 7, in Block 105, thence easterly approximately sixty feet (60') to the southwest corner of Block 106, thence northerly along the west lines of Lots 12 and 1, in Block 106 to the northwest corner of said Block 106, thence westerly to the point of beginning, said tract constituting a portion of the said Nebraska Street which was previously vacated by Ordinance Number 205 of said city as passed on October 7, 1953.*

SECTION 5. The City shall proceed with the sale and/or exchange of the following described tracts of real estate, which are no longer functional for efficient usage by said City, and which is in the best interests of the public health, safety and welfare:

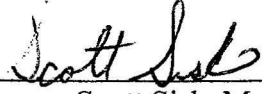
*Lots 7 and 8, in Block 105, in the Original Town, now City of Highland, Doniphan County, Kansas.*

*Lots 11 and 12, in Block 106, in the Original Town, now City of Highland, Doniphan County, Kansas.*

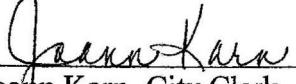
SECTION 6. The City Attorney and Mayor are hereby authorized and directed to execute the aforementioned agreement, to carry out the terms of said agreement, to proceed with the sale and/or exchange of the real estate described in Section 5, and to prepare, execute, deliver, receive and record the required deeds and documentation, and to take such other and further action as may be necessary or required in connection with such sale, exchange and street dedication.

SECTION 7. This ordinance shall take effect upon publication in the official city newspaper.

PASSED BY THE GOVERNING BODY and approved by the Mayor of the City of Highland, Kansas, this 11<sup>th</sup> day of May, 2016.

  
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Scott Sisk, Mayor

ATTEST:

  
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Joann Karn, City Clerk