

(First published in the Horton Headlight the 13th day of May, 2021. 1t)

ORDINANCE NO. 1195

**AN ORDINANCE RELATING TO THE VACATING OF THAT PORTION OF NINTH AVENUE EAST LOCATED BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET AND VACATING THAT PORTION OF THE ALLEYWAY LOCATED BETWEEN EIGHTH AVENUE EAST AND TENTH AVENUE EAST AND BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET IN THE CITY OF HORTON, BROWN COUNTY, KANSAS.**

WHEREAS the City Commission of Horton, Kansas, has been requested to vacate a street located as follows, to-wit:

**THAT PORTION OF NINTH AVENUE EAST LOCATED BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET AND VACATING THAT PORTION OF THE ALLEYWAY LOCATED BETWEEN EIGHTH AVENUE EAST AND TENTH AVENUE EAST AND BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET IN THE CITY OF HORTON, BROWN COUNTY, KANSAS.**

WHEREAS, said request to vacate appears to be a reasonable request.

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

SECTION 1: That the street located as follows, to-wit: **THAT PORTION OF NINTH AVENUE EAST LOCATED BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET AND VACATING THAT PORTION OF THE ALLEYWAY LOCATED BETWEEN EIGHTH AVENUE EAST AND TENTH AVENUE EAST AND BETWEEN 8<sup>TH</sup> STREET AND 9<sup>TH</sup> STREET IN THE CITY OF HORTON, BROWN COUNTY, KANSAS** is hereby vacated pursuant to K.S.A. 14-423. The same shall revert to the owners of real estate adjacent thereto in proportion to the frontage of such real estate except as otherwise provided by K.S.A. 14-423. The City of Horton, Kansas hereby reserves to itself, the owners of lesser property rights and public utilities such rights-of-way and easements currently in existence on the above-described alley being vacated.

SECTION 2: This ordinance shall take effect 30 days after its publication unless one or more interested parties file a written protest before the expiration of such time. In the event such a protest is filed in the office of the city clerk, within such time the governing body shall set the same for hearing 10 days after the end of the 30 day period above mentioned. The hearing may be continued by the city, and at the conclusion thereof the governing body shall adopt a resolution confirming the vacation ordinance and the same shall then be filed with the county clerk and register of deeds as provided by K.S.A. 14-423, or in the event such resolution is not adopted, the vacation ordinance shall be void and of no effect.

PASSED, APPROVED AND ADOPTED by the City Commission of Horton, Kansas  
this 3rd day of May, 2021.

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Mayor

Attested to:

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City Clerk