

## ORDINANCE 1309

VACATING A PORTION OF KNOLLWOOD STREET LOCATED IN THAT PORTION OF THE TOWNSITE OF WAKEFIELD, LYING ADJACENT TO BLOCKS FORTY AND FORTY-ONE, FROM THE NORTH RIGHT OF WAY OF FOURTH STREET TO THE CENTERLINE OF NOW VACATED FIFTH STREET, AND ALSO RELATING TO THE ZONING ADJACENT TO BLOCKS FORTY AND FORTY-ONE, FROM THE NORTH RIGHT OF WAY OF FOURTH STREET TO THE CENTERLINE OF NOW VACATED FIFTH STREET, CHANGING SAID ZONING FROM RESIDENTIAL TO COMMERCIAL, ALL IN THE CITY OF WAKEFIELD, CLAY COUNTY, KANSAS

Whereas, the governing body of the City of Wakefield, Kansas, has determined that it is beneficial to vacate a portion of Knollwood Street, located in that portion of the townsite of Wakefield, lying adjacent to Blocks Forty and Forty-one, from the North Right of Way of Fourth Street to the Centerline of now vacated Fifth Street, in the City of Wakefield, Clay County, Kansas.

AND

Whereas, the City of Wakefield has reviewed the request for re-zoning and has observed that the City Planning and Zoning Board has followed the City Code and State Statute with regards to the procedures required, in notifying adjacent landowners and holding a public hearing on April 11, 2016.

Further, the City of Wakefield has considered the matter of re-zoning that portion of Knollwood Street, located in that portion of the townsite of Wakefield, lying adjacent to Blocks Forty and Forty-one, from the North Right of Way of Fourth Street to the Centerline of now vacated Fifth Street, in the City of Wakefield, Clay County, Kansas from residential to commercial.

Further, by application duly made to the Planning and Zoning Board, by the Owner of said real estate, notice was published in the official City newspaper more than twenty (20) days' prior to the hearing, by the City Planning Commission, of a public hearing regarding the advisability of placing said lots in the Commercial Zone and said hearing was conducted by the Planning and Zoning Board on April 11, 2016, at 6:00 p.m. at City Hall, Wakefield, Kansas. After said hearing was held and no opposition presented, said Planning and Zoning Board has recommended to the Governing Body that said Lots be placed in the Commercial Zone.

Further, there being no sufficient protest against the zoning change within fourteen (14) days after the hearing conducted by the Planning Commission on said Application as provided by K.S.A. 12-757, and in accordance with the recommendation transmitted by the Planning Commission on said application.

That the following described real estate: that portion of Knollwood Street, located in that portion of the townsite of Wakefield, lying adjacent to Blocks Forty and Forty-one, from

the North Right of Way of Fourth Street to the Centerline of now vacated Fifth Street, in the City of Wakefield, Clay County, Kansas, Kansas, be place in and hereinafter designated in the Commercial Zone, as defined by Chapter 13 of the Code of the City of Wakefield, Kansas.

Further, that this Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper and after the statutory fourteen (14) day protest period, as required for re-zoning properties and after thirty (30) days, as required for vacating City streets.

Be it ordained by the Governing Body of the City of Wakefield, Kansas:

- Section 1: That this Ordinance shall be published as required, and after thirty (30) days after the date of publication, if no written protest is filed with the City Clerk, the City of Wakefield and the Council finds 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
- Section 2: That this Ordinance shall vacate that portion of Knollwood Street, located in that portion of the townsite of Wakefield, lying adjacent to Blocks Forty and Forty-one, from the North Right of Way of Fourth Street to the Centerline of now vacated Fifth Street, in the City of Wakefield, Clay County, Kansas.
- Section 3: That this Ordinance further shall re-zone from residential, to commercial, that portion of Knollwood Street, located in that portion of the townsite of Wakefield, lying adjacent to Blocks Forty and Forty-one, from the North Right of Way of Fourth Street to the Centerline of now vacated Fifth Street, in the City of Wakefield, Clay County, Kansas.
- Section 4: That the portion of this Ordinance pertaining to vacating a portion of Knollwood Street shall be effective thirty (30) days after publication of this Ordinance, unless written objection thereto is filed with the City Clerk, at the time of or within thirty (30) days after said publication, by any interested party.
- Section 5: That the portion of this Ordinance pertaining to re-zoning a portion of Knollwood Street shall be effective fourteen (14) days after publication of this Ordinance, unless written objection thereto is filed with the City Clerk, at the time of or within fourteen (14) days after said publication, by any interested party.
- Section 6: That the City Clerk shall file a certified copy of this Ordinance from and after the time it becomes effective in the offices of the County Clerk and Register of Deeds of Clay County, Kansas.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR ON MAY 9, 2016.

Ordinance 1309 con't

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Mayor

ATTEST:

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City Clerk

SEAL:

## **ORDINANCE NO. 1309 SUMMARY**

On May 9, 2016, the City of Wakefield, Kansas, adopted Ordinance No. 1309, an ordinance vacating a portion of Knollwood Street and re-zoning that same portion of Knollwood Street to commercial. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 609 Grove Street or at [www.wakefieldks.com](http://www.wakefieldks.com). This summary is certified by Dustin W. Mullin, Wakefield City Attorney, pursuant to K.S.A. 12-3001, et seq.