

2021 Kansas Statutes

12-505. Same; proceedings on petition. (a) (1) Upon the presentation of the petition to the governing body of the city or planning commission, the governing body or planning commission shall proceed to hear the petition, as provided in the notice. On the day of the hearing, the governing body or planning commission shall hear testimony on the propriety of granting the petition. If the planning commission holds the hearing, the commission shall make a recommendation regarding the vacation and submit such recommendation to the governing body in the same manner provided by K.S.A. 12-752, and amendments thereto, for the submission and approval of recommendations regarding plats.

(2) If the governing body or planning commission determines from the proofs and evidence presented that legal notice has been given by publication as required, that no private rights will be injured or endangered by such vacation or exclusion, that the public will suffer no loss or inconvenience thereby and that in justice to the petitioner or petitioners the request of the petitioner ought to be granted, the governing body shall enact an ordinance containing the order that such vacation or exclusion, or both, be made. Any order approving a vacation of plat, street, alleys, easements or a public reservation shall provide for the reservation to the city and the owners of any lesser property rights for public utilities, rights-of-ways and easements for public service facilities originally held in such plat, street, alley, easement or public reservation then in existence and use.

(3) The petition shall not be granted if a written objection is filed with the city clerk, at the time of or before the hearing, by any owner or adjoining owner who would be a proper party to the petition but has not joined therein. When only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be granted if a written objection is filed with the clerk of the governing body by any owner of lands that adjoin the portion to be vacated.

(b) Any lands excluded pursuant to this section shall be listed for future taxation as though the lands had never been a part of such city. The city clerk shall certify a copy of such ordinance containing the order to the register of deeds of the county in which such property is located. The register of deeds shall record in the deed records of the county at the expense of the petitioner or petitioners, and the register of deeds shall also write on the margin of the recorded plat of such townsite or addition, the words "canceled by order" or "canceled in part by order," as the case may be, giving reference thereon to the page and book of records where the ordinance containing the order is recorded in the register's office.

History: L. 1905, ch. 519, § 2; R.S. 1923, § 12-505; L. 1967, ch. 82, § 2; L. 1984, ch. 65, § 4; L. 1997, ch. 147, § 2; L. 2021, ch. 44, § 4; July 1.