

Chapter 18.470
VACATION OF STREETS AND RESERVATIONS

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18.470.010 Vacation generally

When deemed to be in the public interest, and where no private rights will be injured or endangered and the public will suffer no loss or inconvenience thereby, all or a portion of any street, alley or public reservation, including, but not limited to, public utility or drainage easements, dedicated building setback lines and access control, may be vacated. Applications for vacation of any street, alley or a public reservation shall be made as provided in Section 18.140.310, and may be made by the City, at the direction of the Planning Commission or Governing Body, or by any owner of property on which the street, alley or public reservation lies or adjoins.

(History: Ord. ZRR-1725; ZRR-1637)

18.470.020 Vacation by platting or replatting

Any street, alley or public reservation, or portion thereof, may be vacated by a plat approved in accordance with the provisions of this ordinance. Provided, that whenever a street, alley or public reservation has been vacated by platting or replatting, the following language, or language substantially similar to the following language, shall appear on the face of the plat:

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and therein are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietor hereby absolves and agrees to indemnify the City of Overland Park, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easement.

(History: Ord. ZRR-1725; ZRR-1637)

18.470.030 Vacation by ordinance

Any street, alley or public reservation, or portion thereof, may be vacated by ordinance adopted by the Governing Body, following public notice and hearing as provided in Chapter 18.140.

Any application for vacation by ordinance shall be filed both in the office of the City Clerk and in the office of the Director of Planning and Development Services. Following the adoption of any ordinance vacating any street, alley or public reservation, or portion thereof, the City Clerk

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shall file a copy thereof, certified by the City Clerk as a true and correct copy, in the office of the County Clerk and in the office of the Register of Deeds.

(History: Ord. ZRR-2343 §62, 2002; ZRR-1725; ZRR-1637)

18.470.040 Reservation of easements

In vacating any street, alley or public reservation, or portion thereof, either by plat or by ordinance, the City may reserve to the City and public utilities such rights-of-way and other easements as in the judgment of the City are necessary or desirable for public service.

(History: Ord. ZRR-1725; ZRR-1637)

18.470.050 Reversion of land vacated

Streets, alleys or other public reservations which have been vacated shall revert to the owners of adjoining properties as provided by K.S.A. 12-506, and any amendments thereto.

(History: Ord. ZRR-1725; ZRR-1637)

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