

**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF A)
PORTION OF A PLATTED RESERVE AND THE)
VACATION OF THE PLATTOR'S TEXT TO AMEND)
THE USES ALLOWED IN THE PLATTED RESERVE)
)
)**

**GENERALLY LOCATED SOUTHEAST OF 13TH STREET)
NORTH & 119TH STREET WEST, SOUTH OF PINE)
GROVE STREET, ON THE EAST SIDE OF ALDERNY)
COURT)
)
)**

VAC2015-00015

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 27TH day of October, 2015, comes on for hearing the petition for vacation filed by the Ragene F. Weatherson, Revocable Trust, c/o Ragene Weatherson Moore, Trustee (applicant) and the Thickets Homeowners Association, c/o Bev Bennett, President and Charlene Baalman, Secretary (owner), praying for the vacation of the following described portion of a platted reserve and the platlor's text, to-wit:

That part of Reserve "A", Briarwood Estates 4th Addition to Wichita, Sedgwick County, Kansas, Described as beginning at the N.E. Corner of Lot 8, Block 1, in said Addition; thence N03°58'59"W, along the West line of said Reserve "A", 12 feet; thence S86°01'01"W, parallel with the North line of said Lot 8, 145 feet; thence S03°58'59"E, 12 feet to the N.W. Corner of said Lot 8; thence N86°01'01"E, along the North line of said Lot 8, 145 feet to the Point of Beginning.

&

Vacating the platlor's text to amend the uses allowed on the above described vacated portion of the platted reserve to allow: drainage, utilities, landscaping, private access, and those uses permitted by right in the SF-5 Single-Family Residential ("SF-5") zoning district and single-family residential structures.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on May 14, 2015, which was at least 20 days prior to the public hearing. (

2. No private rights will be injured or endangered by the vacation of the described portion of the platted reserve and the plattor's text and the public will suffer no loss or inconvenience thereby.

3. A covenant binding and tying the described vacated portion of the platted Reserve A to Lot 8, Block 1, all in the Briarwood Estates 4th Addition will go with this Vacation Order to the Sedgwick County Register of Deeds for recording. Said covenant will also go to the Sedgwick County Appraiser's Office for recording.

4. In justice to the petitioner(s), the prayer of the petition ought to be granted.

5. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

6. The vacation of the described portion of the platted reserve and the plattor's text, should be approved.

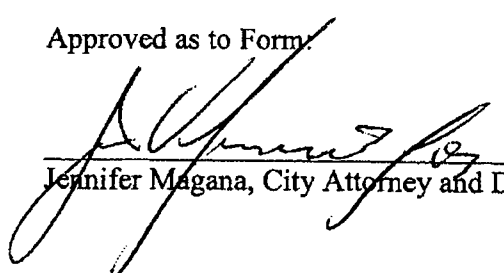
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 27TH day of October, 2015, ordered that the above-described portion of the platted reserve and the plattor's text are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

Jeff Longwell, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:



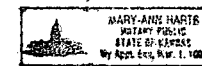
Jennifer Magana, City Attorney and Director of Law

We, the Mellon Bank, N.A., Pittsburg, Pa., holder of a mortgage on the above described property, do hereby consent to the plotting of Briarwood Estates 4th Addition to Wichita, Sedgwick County, Kansas.

James H. Caswell
Asst. Vice President

State of Kansas
County of Sedgwick

Be it remembered that on this 1st day of May, 1984, before me, a Notary Public in and for said State and County, came the Mellon Bank, N.A., by its James H. Caswell, Assistant Vice President, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same for and on behalf of the Mellon Bank, N.A., in testimony whereof I have hereunto set my hand and affixed my Notarial Seal the day and year above written.



Mary Ann Harts
Notary Public

My Appointment Expires: March 1, 1988

Minimum Pad Elevation for all lots shall be 1335.00 M.S.L. For Building Setbacks, see C.U.P. DP-135.

Bench Mark - City Sid. Brass Cap in conc. 25' N. & 30' E. of S 1/4 Cor. Sec. 7, T 27 S, R 14 W of the 6th PM. E.L. 1345.33 MSL

Scale: 1" = 50'
April 2, 1984

a distance of 528.34 feet to the point of beginning.

R.W. Linn
R.W. Linn, P.E.
No. 3684



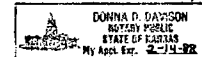
Know all men by these presents that we, the undersigned properly owners of the land as above set forth in the Engineer's Certificate have caused the land to be surveyed and plotted into lots, blocks, streets and reserves, the same to be known as "BRIARWOOD ESTATES 4TH ADDITION," to Wichita, Sedgwick County, Kansas. Easements, as indicated, for the construction and maintenance of public utilities and drainage, or hereby granted. The reserves, as indicated, shall be reserved for drainage, utilities, landscaping, private access, and recreational facilities in accordance with the restrictive covenants established by the Declaration of Landowners Association Agreement, and shall be owned and maintained by the Briarwood Estates Homeowners' Association. The streets are hereby dedicated to and for the use of the public. All abutters' rights of access to and from 119th Street West over and across the west line of Block 1 are hereby granted to the City of Wichita. All portions of Briarwood Estates within the above described tract are hereby vacated and replatted by virtue of K.S.A. 12-512(b) amended. Minimum Pad Elevation for all lots shall be 1335.00 M.S.L. For building setback lines affecting all lots, see C.U.P. DP-135.

Inland Investment Co., Inc.

Larry A. Chambers
President
Larry A. Chambers

State of Kansas
County of Sedgwick

Be it remembered that on this 24th day of April, 1984, before me, a Notary Public in and for said State and County, came Inland Investment Co., Inc., by its President, Larry A. Chambers, to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same for and on behalf of the voluntary act and deed of said company, in testimony whereof I have hereunto set my hand and affixed my Notarial Seal the day and year above written.



Donna D. Dawson
Notary Public

My Appointment Expires: February 14, 1988

This plat has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 19th day of April, 1984.

Robert K. Chisholm
Chairman
Robert K. Chisholm
Robert A. Lakin
Secretary
Robert A. Lakin

This plat approved and all dedications shown hereon are accepted by the City Commission of the City of Wichita, Kansas.

Dated this 15th day of MAY, 1984.

Robert G. Knight
Mayor
Robert G. Knight
Donald C. Gierck
City Clerk
Donald C. Gierck

This is to certify that this instrument was filed for record in the Register of Deeds Office at 1:00pm on this 6th day of JUNE, 1984.

Belle F. McCort
Register of Deeds
Belle F. McCort
Pat Kettler
Deputy
Pat Kettler

This plat approved and all dedications shown hereon are accepted by the Board of County Commissioners of Sedgwick County, Kansas.

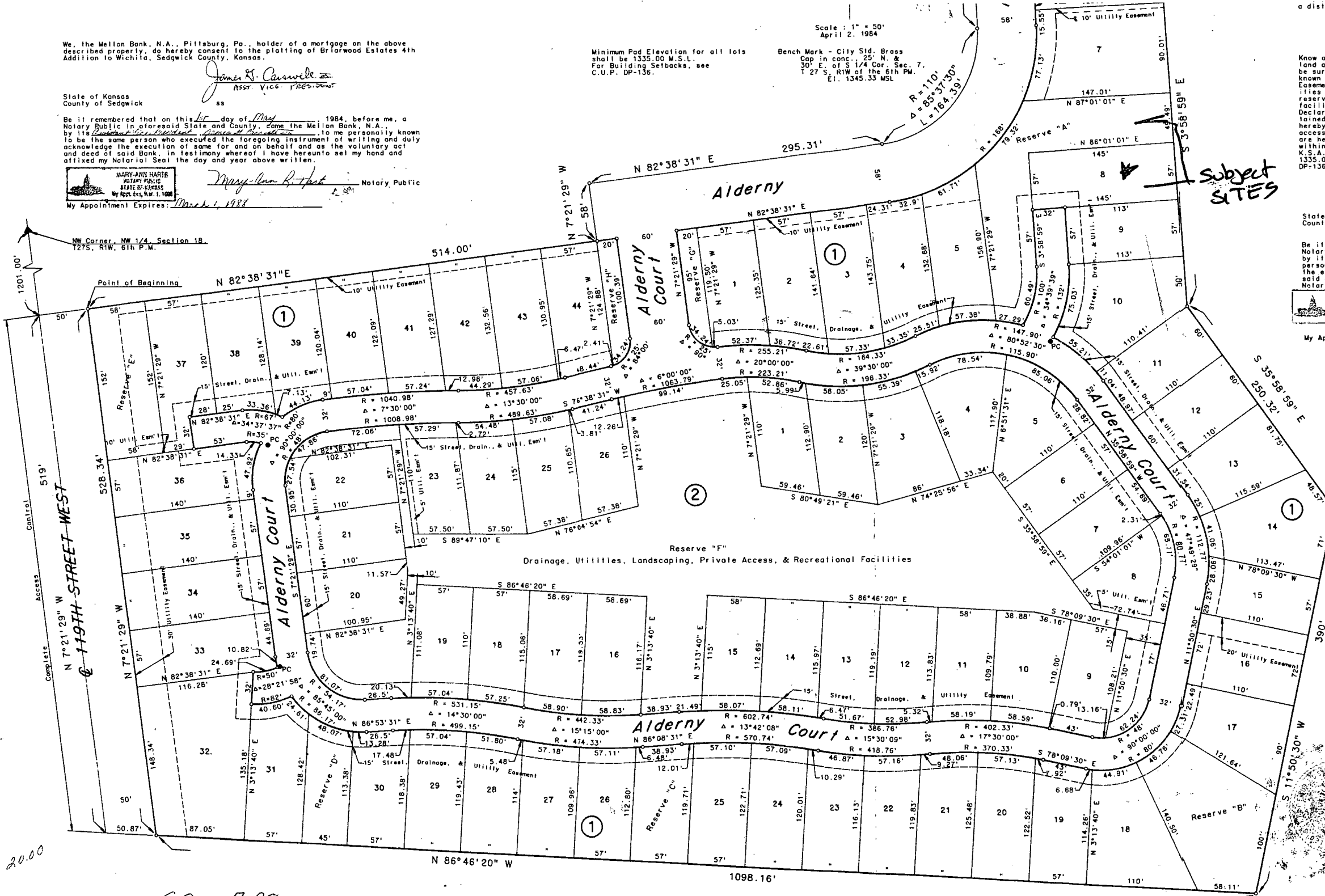
Dated this 6th day of JUNE, 1984.

Jack Spratt
Chairman
Jack Spratt
Donald E. Gragg
Commissioner
Donald E. Gragg
Tom Scott
Commissioner
Tom Scott
Dorothy K. White
County Clerk
Dorothy K. White

Entered on Transfer Record this 6th day of JUNE, 1984.

Dorothy K. White
County Clerk
Dorothy K. White

S-3 7-28



Inches



This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds
Digitized rendition of original signature