



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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF UTILITY EASEMENT)**

**GENERALLY LOCATED ON THE NORTH SIDE OF)
EAST 17TH STREET NORTH AND 1,000 FEET EAST)
OF NORTH MOSLEY AVENUE)**

VAC2020-00007

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 23rd day of June, 2020, comes on for hearing the petition for vacation filed by 17th & Ohio, LLC (owner), praying for the vacation of described portion of a utility easement, to wit:

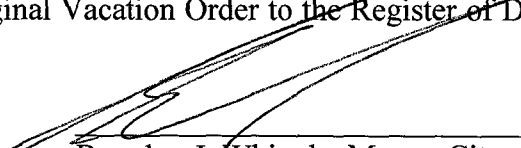
That part of the Easement for sanitary sewer recorded in the Office of the Sedgwick County Register of Deeds in Film 348 at Page 731 lying within and being coincident with the following described land: The west 8.00 feet of Lot 11, on Cherry Avenue, now Indiana Avenue, (said Indiana Avenue now vacated in Film 573 at page 592), D.W. Jones' Addition to the City of Wichita, Kansas, except the north 4.00 feet of said Lot 11, together with the west 8.00 feet of Lots 13, 15, 17, 19, 21, 23, and 25 on said Cherry Avenue, now Indiana Avenue, (said Indiana Avenue now vacated in Film 573 at page 592), together with the west 8.00 feet of the north 5.00 feet of Lot 27 on Cherry Avenue, now Indiana Avenue, (said Indiana Avenue now vacated in Film 573 at page 592), and together with that part of said Easement lying within and being coincident with all of that part of the 12.00 foot wide Alley as dedicated in said D.W. Jones' Addition, (said Alley now vacated), lying south of and abutting the following described line: Commencing at the northwest corner of said Lot 11; thence southerly coincident with the west line of said Lot 11, (said west line also being the east line of said Alley), 4.00 feet for a point of beginning; thence westerly parallel with the westerly prolongation of the north line of said Lot 11, 12.00 feet to the intersection with the west line of said Alley, and for a point of termination, and lying north of and abutting the following described line: Commencing at the northwest corner of said Lot 27; thence southerly coincident with the west line of said Lot 27, (said west line also being the east line of said Alley), 5.00 feet for a point of

beginning; thence westerly parallel with the westerly prolongation of the north line of said Lot 27, 12,00 feet to the intersection with the west line of said Alley, and for a point of termination.

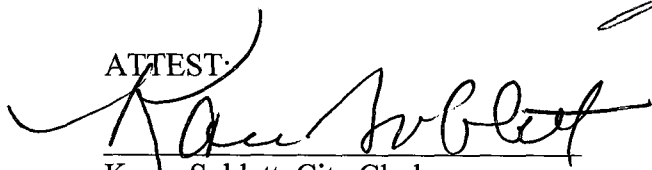
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication, as required by law, in The Wichita Eagle on April 30, 2020, 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 utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. 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.
5. The vacation of the described portion of the utility easement, should be approved.

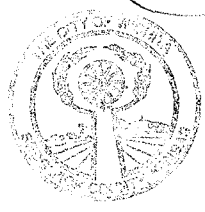
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of June, 2020, ordered that the described portion of the utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall send this original Vacation Order to the Register of Deeds of Sedgwick County.

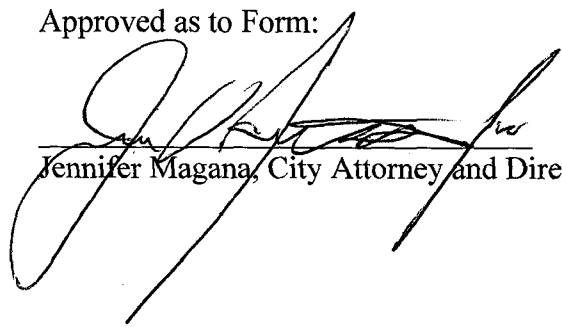


Brandon J. Whipple, Mayor, City of Wichita

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law