



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

**IN THE MATTER OF THE VACATION OF A PORTION)
OF A PLATTED 70-FOOT STREET YARD SETBACK)
SETBACK)**

**GENERALLY LOCATED 380 FEET EAST OF NORTH)
WEBB ROAD ON THE NORTH SIDE OF EAST 21ST)
STREET NORTH)**

VAC2021-00018

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 6th day of July, 2021, comes on for hearing the petition for vacation filed by 21st Street Custard LLC, c/o Doug Malone (owner), praying for the vacation of the described portion of the platted 70-foot street side yard setback, to wit:


That part of Lot 4, Block 1, Tallgrass East Commercial Addition to Wichita, Sedgwick County, Kansas, described as commencing at the southeast corner of Lot 3 in said Tallgrass East Commercial Addition; thence N01°10'25"W along the east line of said Lot 3, 35.00 feet for a point of beginning; thence continuing N01°10'25"W along the east line of said Lot 3, 35.00 feet; thence N88°49'35"E, parallel with the south line of said Lot 4, 38.08 feet, more or less, to a point on the west line of Lot 1, Block 1, Tallgrass East Commercial 2nd Addition, Wichita, Sedgwick County, Kansas, said point being 70.00 feet north of the southwest corner of said Lot 1; thence S01°10'25"E along the west line of said Lot 1, 35.00 feet; thence S88°49'35"W, parallel with the south line of said Lot 4, 38.08 feet, more or less, to the point of beginning.

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 15, 2021, 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 70-foot street side yard setback, 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 platted 70-foot street side yard setback, should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of July, 2021, ordered that the described portion of the platted 70-foot street side yard setback, 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 for recording.

CITY OF WICHITA, KANSAS

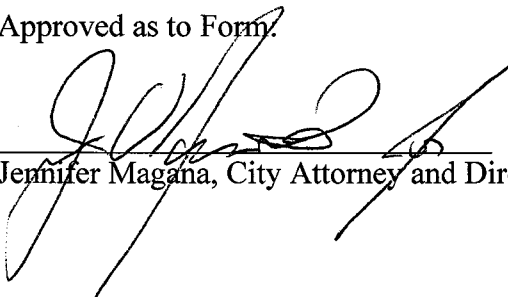

Brandon J. Whipple, Mayor

ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Jennifer Magana, City Attorney and Director of Law