

ACTION

	DATE
S/D COMMITTEE	<u>approve</u> 10-19-78
M.A.P.C.	<u>Approved</u> 10-26-78
B.C.C./B.C.C.C.	<u>Approved</u> 11-7-78

VOID

D-0849 - Bernard J. Leu, Jr. Dedic-
ates street r-o-w for 27th St.
South - from Sheridan to Custer,
as extended from the south.

MAP No. 5244
SEC. No. 1
TWP. No. 28
RANGE 1W

DEDICATION REPORT AND PROGRESS
CASE No. D - 0849

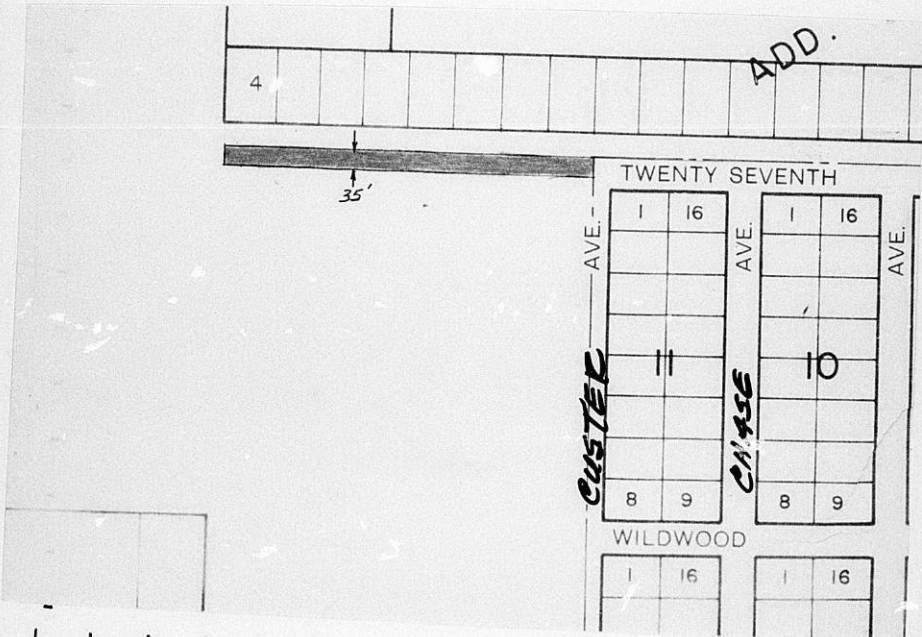
I. OFFER TO DEDICATE: Street r-o-w for 27th St. South
GENERALLY LOCATED: from Sheridan to Custer, as extended from the south.

LEGALLY DESCRIBED AS:

DEDICATED BY: Bernard J. Leu, Jr., Exec. Vice-Pres. Builders, Inc.
AGENT: _____
ADDRESS: _____
PURPOSE OF DEDICATION: _____ PHONE _____

bill recording fee to dedicatar

II. SKETCH.



III. FILED 10-9-78
POSTED TO ATLAS _____
S/D COMM. ACTION 10-19-78 *approved*
M.A.P.C. ACTION 10-26-78 *approved*
B.C.C. ACTION 11-2-78 *approved*
PLACED ON RECORD _____
CITY CLERKS No. _____

THE CITY OF WICHITA

JOHN DEKKER, Director of Law and City Attorney
THOMAS R. POWELL, Senior Assistant City Attorney



DEPARTMENT OF LAW
OFFICE OF CITY ATTORNEY
CITY HALL - THIRTEENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-6581

December 11, 1980

RECEIVED

DEC 11 1980

ME, ROPOLITAN PLANNING
ROUTE

John Terry Moore, Esq.
Moore & Rapp
Columbian Building
216 West Murdock
Wichita, Kansas 67203

Re: Resolution Acknowledging void
dedication by Builders

Dear Terry:

For your file find enclosed a copy of the Resolution of the City that relates to the City Commission finding that the dedication of land described in the Resolution is void.

Very truly yours,

Thomas R. Powell
Senior Assistant City Attorney

TRP:cdh

cc: Jack Galbraith, Chief Planner-Current Plans
R. W. Bruggeman, Director of Engineering
Larry D. Henry, R/W & Estimating Engineer

Encl.

RESOLUTION OF THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF WICHITA, KANSAS

NO. 5 15404
BETTE F. McCART
REGISTER OF DEEDS

MICROFILMED
OF RECORD

WHEREAS, the Board of City Commissioners on the 7th day of November, 1978, approved and accepted dedications from Builders, Inc., of the below-described real estate in Sedgwick County, Kansas, to the public for street purposes, to-wit:

*for
part
of
the
dedication*

- (A) The north thirty-five (35) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of record with Sedgwick County Register of Deeds at File 336, page 1520).
- (B) The East thirty (30) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of Record with the Sedgwick County Register of Deeds at File 336, page 1517).
- (C) The South thirty (30) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of Record with the Sedgwick County Register of Deeds at File 336, page 1518).

WHEREAS, the City of Wichita, Kansas, and the Board of City Commissioners of the City of Wichita, Kansas, have been informed that on the 7th day of November, 1978, fee simple title to the above-described land was held by L. W. Rudd and Lavina P. Rudd and that Builders, Inc., had no right, title or interest to said land.

WHEREAS, said dedications were inadvertently conveyed to the public by Builders, Inc., and said dedication instruments were filed of record with the Register of Deeds of Sedgwick County, Kansas, at the filing and page numbers set out above; and

WHEREAS, said dedications from Builders, Inc., of the above-described land are void ab initio for the reason that Builders, Inc., did not have any right, title or interest in the real property described above at the time the dedications were accepted and approved.


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, That the governing body acknowledges that the dedication by Builders, Inc., of the above-described land which was approved and accepted on the 7th day of November, 1978, is void ab initio

6.00 City Clerk


and that the public, therefore, acquired no interest in said land through said dedications.

BE IT FURTHER RESOLVED that City staff is directed to revise City records to reflect that the dedications from Builders, Inc., identified above are void ab initio and that the public has no right to use said land for street purposes or any other purpose.

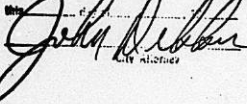
ADOPTED by the Governing Body of the City of Wichita, Kansas, on this 4th day of Nov., 1980.


Robert G. King, Mayor

ATTEST


Donald C. Gisick, City Clerk

The above instrument approved as to form

by 
John Decker
City Attorney

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE September 29, 1980

TO Jack Galbraith, Chief Planner-Current Plans
R. W. Bruggeman, Director of Engineering
FROM Thomas R. Powell, Senior Assistant City Attorney

SUBJECT Void Dedications Received
from Builder's, Inc.

As we have discussed, in November, 1978, the City accepted and approved dedications of land for street purposes from Builder's, Inc., for land in which Builder's, Inc., had no right, title or interest. The said land is described in the attached Resolution.

In relation to the void dedications, I have been contacted by John Terry Moore, who represents Mrs. L. W. Rudd, who is the owner of the land in question. In turn, I contacted Ed Learned, who then furnished Mrs. Rudd with Quit Claim Deeds from Builder's, Inc.

As to the City, Mr. Moore, on behalf of Mrs. Rudd, has agreed, over the telephone, to accept a Resolution in the form attached hereto. He is to let me know, in writing, in the near future, whether the Resolution is acceptable. I will write the City Manager and request City Commission action on the Resolution as soon as Mr. Moore has given his approval to the Resolution.

I will see that Planning and Engineering are furnished certified copies of the Resolution once the Resolution has been adopted.

Please contact me if you have any questions or concerns regarding this matter.

Thomas R. Powell
Thomas R. Powell
Senior Assistant City Attorney

TRP:cdh

RECEIVED

SEP 30 1980

METROPOLITAN PLANNING

ROUTE

RESOLUTION OF THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF WICHITA, KANSAS

WHEREAS, the Board of City Commissioners on the 7th day of November, 1978, approved and accepted dedications from Builders, Inc., of the below-described real estate in Sedgwick County, Kansas, to the public for street purposes, to-wit:

- (A) The north thirty-five (35) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of record with Sedgwick County Register of Deeds at File 336, page 1520).
- (B) The East thirty (30) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of Record with the Sedgwick County Register of Deeds at File 336, page 1517).
- (C) The South thirty (30) feet of the West Quarter of the North half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M. (Filed of Record with the Sedgwick County Register of Deeds at File 336, page 1518).

WHEREAS, the City of Wichita, Kansas, and the Board of City Commissioners of the City of Wichita, Kansas, have been informed that on the 7th day of November, 1978, fee simple title to the above-described land was held by L. W. Rudd and Lavina P. Rudd and that Builders, Inc., had no right, title or interest to said land.

WHEREAS, said dedications were inadvertently conveyed to the public by Builders, Inc., and said dedication instruments were filed of record with the Register of Deeds of Sedgwick County, Kansas, at the filing and page numbers set out above; and

WHEREAS, said dedications from Builders, Inc., of the above-described land are void ab initio for the reason that Builders, Inc., did not have any right, title or interest in the real property described above at the time the dedications were accepted and approved.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, That the governing body acknowledges that the dedication by Builders, Inc., of the above-described land which was approved and accepted on the 7th day of November, 1978, is void ab initio

and that the public, therefore, acquired no interest in said land through said dedications.

BE IT FURTHER RESOLVED that City staff is directed to revise City records to reflect that the dedications from Builders, Inc., identified above are void ab initio and that the public has no right to use said land for street purposes or any other purpose.

ADOPTED by the Governing Body of the City of Wichita, Kansas, on this _____ day of _____, 1980.

Robert G. Kinght, Mayor

ATTEST:

Donald C. Gisick, City Clerk

MAPC CASE NO. D-0849 Dedication of street right-of-way for 27th St.
South

Dedicated by: Bernard H. Leu, Jr.

Generally Twenty-seven Street from Custer to Sheridan.

This dedication is given for the following reason: to open area for
development

ACTION: Accept the dedication and instruct the City Clerk to
file with the Register of Deeds.

BILL RECORDING FEE TO: Bernard J. Leu, Jr., Builders, Inc.

5244
1
28
1W

27TH STREET SOUTH, Sheridan to Custer
as extended from the South

D-0849

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned, Bernard J. Leu, Jr. Exec. Vice-President Builders, Inc.

being the owner of the following described real estate in Sedgwick County, Kansas, to wit:

The North thirty-five (35) ft. of the West Quarter of the North Half of the Southeast Quarter of Section 1, Township 28 South, Range 1 West of the 6th P.M.

do hereby dedicate the above described real estate to the public for street purposes.

Executed this 15th day of August, 19 78.

B. J. Leu, Jr.
Bernard J. Leu, Jr.
Executive Vice President

Submitted to the Wichita - Sedgwick County Metropolitan Area Planning Commission and the Board of Commissioners of the City of Wichita, Kansas, and approved by said Board of Commissioners of the City of Wichita, Kansas, this _____ 19____.

City Clerk

STATE OF KANSAS }
SEDGWICK COUNTY } SS

BE IT REMEMBERED, that on this 15th day of August, 19 78, before me a Notary Public in and for the said County and State came Bernard J. Leu, Exec. Vice Pres. Builders, Inc.

to me personally known to be the same person who executed the foregoing instrument and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



Paul S. Meeker
Notary Public

Commission Expires: March 30, 1979.