

D-0851 - Bernard J. Lee, Jr. Dedic-
ates street r-o-w for Sunnybrook
Lane - from the east line of Sheri-
dan Ave. to the west line of
Custer Avenue.

ACTION

	DATE
SID COMMITTEE <u>approved</u>	<u>10-19-78</u>
M.A.P.C. <u>Approved</u>	<u>10-26-78</u>
B.C.C./B.C.C. <u>Approved</u>	<u>11-2-78</u>

VOID

DEDICATION REPORT AND PROGRESS

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

CASE No. D - 0851

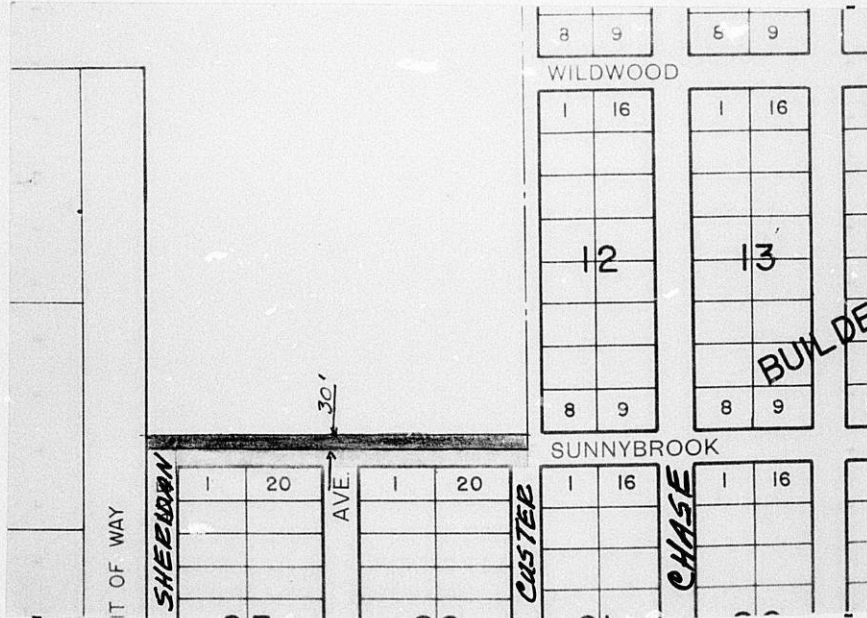
I. OFFER TO DEDICATE: Street r-o-w for Sunnybrook Lane
 GENERALLY LOCATED: from the east line of Sheridan Ave. to the west line of Custer Avenue

LEGALLY DESCRIBED AS:

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

bill recording fee to dedicator

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 11-7-78 *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
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4681

December 11, 1980

RECEIVED

DEC 11 1980

METROPOLITAN 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.

450 PALE 562

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
NOV 17 1980

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

NOV 17 1980

NO. 5 15404

MICROFILMED
OF RECORD

BETTE F. McCART
REGISTER OF DEEDS

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.

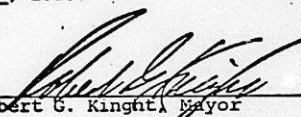
BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, That the governing body acknowledges that the dedication by Builders, Inc., of the above-described land which was approved and accepted on the 7th day of November, 1978, is void ab initio

6.00 City Club


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.

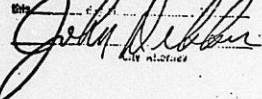
ADOPTED by the Governing Body of the City of Wichita, Kansas, on this 4TH day of Nov., 1980.


Robert G. Knight, Mayor

ATTEST


Donald C. Gisiok, City Clerk

The above instrument approved as to form

City Clerk

John D. Roberts
CITY CLERK

MAPC CASE NO. D-0851

Dedication of Street right-of-way for
Sunnybrook Lane

Dedicated by: Bernard J. Leu, Jr.

Generally Sunnybrook Lane from Custer to Sheridan in an area south
of Pawnee

This dedication is given for the following reason: to open street
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
145

SUNNYBROOK LANE, from EL Snerican Ave.
to WL Easter Avenue
40 W. Center Ave

DEDICATION

D-0851

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 South thirty (30) 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. Leu

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.

Great Use Proj. CT

this _____ 19 ____.

Builders, Inc.

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. Merese
Notary Public

My Commission Expires: March 30, 1979.