

D-0276 - Dedication for street purposes from Alva B. Robbins, etal.
For S 30' of Lot 8, Robbins Addition

ACTION

DATE

COMMITTEE _____

M.A.P.C. _____

B.C.C./B. CO. C. _____

No hearing necessary

No action necessary

Closed 1-22-65

FRED W. ALEY, City Attorney
EUGENE L. HIRTLE, Ass't. City Attorney
200 North Main
Wichita, Kansas
PO rest 3-5251

IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS

THE CITY OF WICHITA,
A Municipal Corporation,

Plaintiff.

- vs -

ALVA B. ROBBINS, et al,

Defendants.

Case No. C 1023

JOURNAL ENTRY OF JUDGMENT

Now on this 5th day of February, 1964, the matter comes on for trial. The parties appear as follows:

Plaintiff appears by Eugene L. Hirtle, Assistant City Attorney. The defendant Harold H. Malone appears pro se. The defendant Board of County Commissioners appears by George D. McCarthy, County Counselor. Thereupon, upon motion of plaintiff and defendant Harold H. Malone, this action is dismissed without prejudice as to the defendant Chicago, Rock Island and Pacific Railway, at the cost of plaintiff. Defendant Alva B. Robbins appears not, but makes default.

Thereupon, the court examines the Affidavit for Service by Publication on the defendant Alva B. Robbins filed herein and finds that the statements therein are true and the court examines the Proof of Publication of Notice filed herein and finds that the statements therein contained are true; that the newspaper in which said Publication Notice was published is printed in Sedgwick County, Kansas, and is authorized by law to publish legal notices and that said Publication Notice has been made in the form and manner and for the time prescribed by law and the Proof of Publication having been made and filed herein and the court being satisfied therewith, said Proof and Notice and Publication Service is approved by the court.

Thereupon, the court examines the Military Affidavit filed herein and finds that the statements therein are true; that plaintiff is not able to determine whether or not the defendant Alva B. Robbins is in the military service and the court finds that the Soldiers and Sailors Civil Relief Act has been complied with.

Thereupon, the court finds that jurisdiction of the subject matter and of the parties has attached, and that this action should proceed to trial. Plaintiff introduces its evidence and rests. The defendant Harold H. Malone introduces in evidence, the Redemption Certificates and the receipt for costs paid in said Case No. 3-19,200.

There being no further evidence, the court finds that the allegations contained in plaintiff's petition and in the Answer of defendant Harold H. Malone is true.

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the South Thirty (30) feet of Lot Eight (8), Robbins Addition to Sedgwick County, Kansas, has been travelled by the public as a road and street for more than twenty (20) years and that it has been improved and kept in repair as a road and street by plaintiff City, County and Public authorities for more than twenty (20) years and that there is a conclusive presumption of dedication of said strip as a road and street.

IT IS FURTHER BY THE COURT ADJUDGED AND DECREED that said street, being Lot Eight (8), Robbins Addition, be stricken from the tax rolls of the defendant, County.

IT IS FURTHER ORDERED that the defendant Harold H. Malone be reimbursed by the defendant County out of the County General Fund, in the amount of Two Hundred Ninety-Nine and 51/100 Dollars (\$299.51), taxes and costs, paid in redemption from said tax foreclosure sale.

IT IS FURTHER ORDERED that the costs of this action be apportioned.

Don Ramm

JUDGE

APPROVED:

CITY OF WICHITA

By *Eugene S. Pirtle*
Ass't. City Attorney

BOARD OF COUNTY COMMISSIONERS

By *George D. McCarley*

Harold H. Malone
HAROLD H. MALONE