

BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
PORTIONS OF PUBLIC STREET RIGHT-OF-WAYS)
DEDICATED BY SEPARATE INSTRUMENTS,)
PORTIONS OF A PLATTED SETBACK &)
PORTIONS OF A PLATTED RESERVE)
)
GENERALLY LOCATED ON THE SOUTH SIDE) CASE NO. VAC2011-00033
OF 85TH STREET NORTH AND THE WEST SIDE)
HYDRAULIC AVENUE)
)
)
)

VACATION ORDER

NOW on this 29TH day of February, 2012, at 9:00 o'clock A.M., comes the petition filed by Sedgwick County, c/o Paula Downs – Facilities Project Services and Johnny W. Stevens, praying for the vacation of the following-described portions of public street right-of-ways dedicated by separate instruments (Film 291, Page 772 for 85th Street North; Film 291, Page 774, refilled on Film 756, Page 276 for Hydraulic Avenue), portions of a platted setback and portions of a platted reserve, to-wit:

Description of street right-of-ways dedicated by separate instruments to be vacated:
West and Middle notch on 85th Street North, including 5 feet of the dedicated right-of-way Between the notches – A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: Commencing at the Northwest corner of Lot 2, Block A, Coliseum Park; thence easterly along the north line of Lot 2, Block A of said Addition a distance of 507.41 feet; thence south perpendicular to the north line of said Section 33, a distance of 2.53 feet, said point being 95 feet south of the north

line of said Section 33 to a Point of Beginning; thence continuing south perpendicular to the north line of said Section 33 a distance of 15 feet; thence east with an angle to the left of $90^{\circ}00'$, a distance of 80 feet; thence north with an angle to the left of $90^{\circ}00'$, a distance of 10 feet; thence east 410 feet along a line parallel with the north line of Lots 1 and 2, Block A of said Addition; thence south with an angle to the right of $90^{\circ}00'$, a distance of 10 feet; thence east with an angle to the left of $90^{\circ}00'$, a distance of 80 feet; thence north with an angle to the left of $90^{\circ}00'$, a distance of 15 feet; thence west along a line 15 feet south of and parallel with the north line of Lots 1 and 2, Block A of said Addition, a distance of 570 feet to the Point of Beginning.

East notch on 85th Street North - A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Commencing at the Northwest corner of Lot 2, Block A, Coliseum Park Addition; thence easterly along the north line of Lot 2, Block A of said Addition a distance of 507.41 feet; thence south perpendicular to the north line of said Section 33, a distance of 2.53 feet, said point being 95 feet south of the north line of said Section 33; thence east along a line 15 feet south of and parallel with the north line of Lots 1 and 2, Block A of said Addition, a distance of 940 feet to a Point of Beginning; thence south with an angle to the right of $90^{\circ}00'$, a distance of 15 feet; thence east with an angle to the left of $90^{\circ}00'$, a distance of 80 feet to a point on the west line of Reserve "A" in said Addition; thence north with an angle to the left of $90^{\circ}00'$, a distance of 15 feet; thence west along a line 15 feet south of and parallel with the north line of Lot 2, Block A of said Addition, a distance of 80 feet to the Point of Beginning.

Southern notch on Hydraulic Avenue - A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Commencing at the Northeast corner of Reserve "A", Coliseum Park Addition, said point being 120 feet south and 80 feet west of the Northeast corner of the Northeast Quarter of said Section 33; thence south a distance of 1228.68 feet along the east line of Reserve "A", Lots 1 and 3, Block A of said Addition; thence west with an angle to the right of $90^{\circ}00'$, a distance of 15 feet to a Point of Beginning; thence continuing west on the same line, which is perpendicular to the east line of said Lot 3, a distance of 50 feet; thence north with an angle to the right of $90^{\circ}00'$, a distance of 80 feet; thence east with an angle to the right of $90^{\circ}00'$, a distance of 50 feet, said point being 95 feet west of the east line of said Section 33; thence south, a distance of 80 feet to the Point of Beginning.

Northern notch on Hydraulic Avenue - A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Commencing at the Northeast corner of Reserve "A", Coliseum Park Addition, said point being 120 feet south and 80 feet west of the Northeast corner of the Northeast Quarter of said Section 33; thence south 838.67 feet along the east line of Reserve "A" and Lot 1, Block A of said Addition; thence west with an angle to the right of $90^{\circ}00'$, a distance of 15 feet to a Point of Beginning; thence

continuing west on the same line, which is perpendicular to the east line of said Lot 1, a distance of 60 feet; thence north with an angle to the right of $90^{\circ}00'$, a distance of 80 feet; thence east with an angle to the right of $90^{\circ}00'$, a distance of 60 feet, said point being 95 feet west of the east line of said Section 33; thence south, a distance of 80 feet to the Point of Beginning.

Description of the portion of platted 100-foot wide building setback to be vacated along Hydraulic Avenue:

A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

The west 70 feet of the platted 100 foot building setback along Hydraulic Avenue on Lot 1, Block A, in said Coliseum Park Addition, Sedgwick County, Kansas, beginning at a point 138 feet north of the Southeast corner of Lot 1, Block A of said Addition, said point being on the east line of said Lot 1; thence north along said east line to the Southeast corner of Reserve A.

Description of the portion of the platted Reserve A to be vacated along Hydraulic Avenue:

A tract of land in Coliseum Park Addition, in the Northeast Quarter of Section 33, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as follows: The west 70 feet of the platted 100 wide Reserve A along Hydraulic Avenue on Lot 1, Block A, in said Coliseum Park Addition, Sedgwick County, Kansas, beginning at a point 138 feet north of the Southeast corner of Lot 1, Block A of said Addition; thence north to the northeast corner of Lot 1, Block A, in said Coliseum Park Addition.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspaper, such publication having occurred on December 29, 2011; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that the Metropolitan Area Planning Commission held a public hearing

on the 19th day of January 2012 and recommended that the vacation petition herein be approved & that the Park City Planning Commission held a hearing on the 24th day of January 2012 and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portions of the public street right-of-ways dedicated by separate instruments, the portion of the platted setback and the portion of the platted reserve, all hereinabove described be the same and are hereby vacated. It is further ordered that County Clerk shall certify a copy of this order and a restrictive covenant to the Register of Deeds of Sedgwick County.

DATED this _____ day of _____.

**BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS**

TIM R. NORTON, Chairman
Second District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor