

[A summary of this ordinance was published in the *Clarion* on May 8, 2025.]

ORDINANCE NO. 1059

AN ORDINANCE VACATING THAT PART OF THE 20.00 FOOT DRAINAGE AND UTILITY EASEMENT AS GRANTED IN EAGLES NEST ADDITION, MAIZE, SEDGWICK, COUNTY, KANSAS DESCRIBED AS FOLLOWS: THE 10.00 FOOT WIDE PART OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT LYING WEST OF, PARALLEL WITH, ABUTTING, AND MEASURED PERPENDICULAR TO THE NORTHERLY SEGMENT OF THE EAST LINE OF RESERVE "D" IN SAID EAGLES NEST ADDITION, EXCEPT THE UTILITY PORTION OF THE NORTH 25.00 FEET THEREOF, TOGETHER WITH THE 10.00 WIDE PART OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT LYING SOUTHWEST OF, PARALLEL WITH, ABUTTING, AND MEASURED PERPENDICULAR TO THE SOUTHERLY SEGMENT OF THE EAST LINE OF RESERVE "D", TOGETHER WITH THAT PART OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT DESCRIBED AS THE WEST 10.00 FEET OF LOTS 24, 25, 26, 27, AND 28, BLOCK D, IN SAID EAGLES NEST ADDITION, EXCEPT THE UTILITY PORTION OF THE NORTH 15.00 FEET OF SAID LOT 24, TOGETHER WITH THAT PART OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT DESCRIBED AS THE SOUTHWEST 10.00 FEET OF SAID LOT 28, 29, 30, AND 31 IN SAID BLOCK D, EXCEPT THE DRAINAGE PORTION OF THAT PART OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT LYING WITHIN THE SOUTH 20.00 FEET OF SAID LOT 31.

AND

THE UTILITY PORTION OF THAT PART OF THE 20.00 FOOT DRAINAGE AND UTILITY EASEMENT AS GRANTED IN EAGLES NEST ADDITION, MAIZE, SEDGWICK COUNTY, KANSAS DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHERLY CORNER COMMON TO LOT 31, BLOCK D, IN SAID EAGLES NEST ADDITION AND RESERVE "D" IN SAID EAGLES NEST ADDITION; THENCE N88°51'07"E ALONG THE SOUTH LINE OF SAID LOT 31 AND LOTS 32, 33, 34, 35, 36, 37, 38, 39, AND 40 IN SAID BLOCK D, 721.93 FEET TO THE SOUTHEAST CORNER OF SAID LOT 40; THENCE N00°17'50"W ALONG THE EAST LINE OF SAID LOT 40, 20.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT; THENCE S88°51;07"W ALONG THE NORTH LINE OF SAID 20.00 FOOT DRAINAGE AND UTILITY EASEMENT, AND AS EXTENDED WESTERLY, 745.37 FEET TO A POINT ON THE LOT LINE COMMON TO SAID LOT 31 AND RESERVE "D"; THENCE S50°19'01"E ALONG THE LOT LINE COMMON TO SAID LOT 31 AND RESERVE "D" 30.59 FEET TO THE POINT OF BEGINNING.

AND

THE 10.00 FOOT UTILITY EASEMENT AS GRANTED IN EAGLES NEST ADDITION, MAIZE, SEDGWICK COUNTY, KANSAS LYING 5.00 FEET EACH SIDE OF THE LOT LINE COMMON TO LOTS 29 AND 30, BLOCK D, IN SAID EAGLES NEST ADDITION.

RECITALS

On February 16, 2015, the Governing Body of the City of Maize, Kansas (the "City") held a public hearing concerning a petition filed by Eagles Nest Development and Kick N Development Corporation praying for the vacation of the following described land:

That part of the 20.00 foot drainage and utility easement as granted in Eagles Nest Addition, Maize, Sedgwick County, Kansas described as follows: The 10.00 wide part of said 20.00 foot drainage and utility easement lying west of, parallel with, abutting, and measured perpendicular to the northerly segment of the east line of Reserve "D" in said Eagles Nest Addition, except the Utility portion of the north 25.00 feet thereof, TOGETHER with the 10.00 wide part of said 20.00 foot drainage and utility easement lying southwest of, parallel with, abutting, And measured perpendicular to the southerly segment of the east line of Reserve "D", TOGETHER with that part of said 20.00 foot drainage and utility easement described as the west 10.00 feet of Lots, 24, 25, 26, 27 and 28, Block D, in said Eagles Nest Addition, except the utility portion of the north 15.00 feet of said Lot 24, TOGETHER with that part of said 20.00 foot drainage and utility easement described as the southwest 10.00 feet of said Lot 28 and Lots 29, 30 and 31 in said Block D, except the drainage portion of that part of said 20.00 foot drainage and utility easement lying within the south 20.00 feet of said Lot 31.

And

The utility portion of that part of the 20.00 foot drainage and utility easement as granted in Eagles Nest Addition, Maize, Sedgwick County, Kansas described as follows: Beginning at the most southerly corner common to Lot 31, Block D, in said Eagles Nest Addition and Reserve "D" in said Eagles Nest Addition; thence N88°51'07"E along the south line of said Lot 31 and Lots 32, 33, 34, 35, 36, 37, 38, 39, and 40 in said Block D, 721.93 feet to the southeast corner of said Lot 40; thence N00°17'50"W along the east line of said Lot 40, 20.00 feet to the intersection with the north line of said 20.00 foot drainage and utility easement; thence S88°51'07"W along the north line of said 20.00 foot drainage and utility easement, and as extended westerly, 745.37 feet to a point on the lot line common to said Lot 31 and Reserve "D"; thence S50°19'01"E along the lot line common to said Lot 31 and Reserve "D", 30.59 feet to the point of beginning.

And

The 10.00 foot utility easement as granted in Eagles Nest Addition, Maize, Sedgwick County, Kansas lying 5.00 Feet each side of the lot line common to Lots 29 and 30, Block D, in said Eagles Nest Addition.

(the "drainage and utility easement")

After the public hearing was concluded, the City Council adopted a Vacation Order vacating the drainage and utility easement. The Vacation Order (V-01-015) was filed on record with the Sedgwick County Register of Deeds at DOC.#/FLM-PG: 29527865.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MAIZE, SEDGWICK COUNTY, KANSAS:

Section 1. The Vacation Order is adopted by reference into this Ordinance. The findings made by the City Council in the Vacation Order numbered 1 through 5 are adopted as the findings of the Governing Body.

Section 2. Based upon the findings numbered 1 through 5 of the Vacation Order, pursuant to authority set forth in K.S.A. 12-505 the Utility Easement is vacated.

Section 3. This ordinance is effective from and after a publication of a summary of this ordinance in the official city newspaper.

ADOPTED BY THE GOVERNING BODY and APPROVED BY THE MAYOR on the 5th day of May, 2025.

CITY OF MAIZE, KANSAS

By *Pat Stivers*
Pat Stivers, Mayor

ATTEST:

By *Sue Villarreal*
Sue Villarreal, City Clerk

APPROVED AS TO FORM:

By *Tom Powell*
Tom Powell, City Attorney

