

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

ORDINANCE NO. 1084

AN ORDINANCE VACATING A PORTION OF UTILITY EASEMENT LOCATED IN LOT 70, BLOCK 5, CARRIAGE CROSSING ADDITION, MAIZE, SEDGWICK COUNTY, KANSAS, DESCRIBED AS COMMENCING AT THE SOUTHERLY MOST CORNER OF SAID LOT 70; THENCE NORTHWESTERLY ALONG THE SOUTHWEST LINE OF SAID LOT 70, 35.00 FEET TO THE SOUTHERLY LIMITS OF A 15 FOOT UTILITY EASEMENT AS PLATTED IN SAID ADDITION; THENCE NORTHEASTERLY ALONG SAID EASEMENT, 15.00 FEET TO THE PLACE OF BEGINNING; THEN NORTHWESTERLY, PARALLEL WITH SAID SOUTHWEST LINE, 10.00 FEET TO THE NORTHWEST LINE OF A 10 FOOT UTILITY EASEMENT AS PLATTED IN SAID ADDITION; THENCE NORTHEASTERLY ALONG SAID NORTHWEST LINE, 95.00 FEET TO THE SOUTHWEST LINE OF A 15 FOOT UTILITY EASEMENT AS PLATTED IN SAID ADDITION; THENCE SOUTHEASTERLY, PARALLEL WITH SAID SOUTHWEST LINE, 10.00 FEET TO THE SOUTHEAST LINE OF SAID 10 FOOT UTILITY EASEMENT; THENCE SOUTHWESTERLY ALONG SAID SOUTHEAST LINE, 95.00 FEET TO THE PLACE OF BEGINNING.

RECITALS

On August 17, 2020, the Governing Body of the City of Maize, Kansas (the "City") held a public hearing concerning a petition (the "Petition") filed by BATC, LLC praying for the vacation of the following described land:

That part of a platted Utility Easement located in Lot 70, Block 5, Carriage Crossing Addition, Maize, Sedgwick County, Kansas, described as commencing at the southerly most corner of said Lot 70; thence northwesterly along the southwest line of said Lot 70, 35.00 feet to the southerly limits of a 15 foot Utility Easement as platted in said addition; thence northeasterly along said easement, 15.00 feet to the place of beginning; thence northwesterly, parallel with said southwest line, 10.00 feet to the northwest line of a 10 foot Utility Easement as platted in said addition; thence northeasterly along said northwest line, 95.00 feet to the southwest line of a 15 foot Utility Easement as platted in said addition; thence southeasterly, parallel with said southwest line, 10.00 feet to the southeast line of said 10 foot Utility Easement; thence southwesterly along said southeast line, 95.00 feet to the place of beginning.

(the "utility easement").

After the public hearing was concluded, the City Council adopted Vacation Order V-02-020 (the "Vacation Order")

In the Vacation Order, the City Council, after being duly and fully informed as to understanding the true nature of the Petition and the propriety of granting the vacation of the Utility Easement, made the following findings:

"1. That due and legal notice has been given by publication as required by law, by publication in *The Mount Hope Clarion* on July 16, 2020, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the utility easement described herein should be approved."

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

Section 1. The findings made by the City Council in the Vacation Order numbered 1 through 5 as cited above are adopted as the findings of the Governing Body.

Section 2. Based upon the findings numbered 1 through 5 of the Vacation Order as cited above and 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. Once this ordinance is effective, the City Clerk will file a copy of this ordinance with the Sedgwick County Register of Deeds.

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:

By 
Mitch Young, Planning Administrator

APPROVED AS TO FORM:

By 
Tom Powell, City Attorney

