

ORDINANCE No. 2020-02  
CITY OF LEOTI, WICHITA CITY, KANSAS

AN ORDINANCE MAKING FINDINGS AND VACATING THE PLATTING OF THE JENNESS ADDITION TO THE  
CITY OF LEOTI, WICHITA COUNTY, KANSAS PURSUANT TO K.S.A. 12-504 AND 12-505

WHEREAS, a Contract for Easement and oral petition was filed in the office of the City Clerk of Leoti, Kansas by Cole and Bridgette Carpenter requesting vacation of the platted Jenness Addition to the City of Leoti, Wichita County, Kansas (hereinafter *Petition*).

WHEREAS, the following legally described real property was platted as the undeveloped Jenness Addition to the City of Leoti, Wichita County, Kansas as filed with the Wichita County, Kansas Register of Deeds, to wit:

***All of Blocks One (1), Two (2), Three (3); Lots One (1) thru (6), Block Four (4); Lots One (1) thru Six (6), Block Five (5); All of Blocks Six (6), Seven (7), Eight (8), Lots Five (5), Six (6) Seven (7), Eight (8) and the East 118' of Lots Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Nine (9); All of Blocks Ten (10) and Eleven (11); Lots One (1) thru (6), Block Twelve (12); Lots One (1) thru Six (6), Block Thirteen (13); All of Blocks Fourteen (14) and Fifteen (15); the East 118' of Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Sixteen (16); the East 118' of Lots Seven (7), Eight (8) Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Seventeen (17); All of Blocks Eighteen (18) and Nineteen (19); Lots One (1) thru Six (6), Block Twenty (20); Lots One (1) thru Six (6), Block Twenty-one (21); All of Blocks Twenty-two (22), Twenty-three (23), Twenty-four (24); Lots One (1) thru Six (6), Block Twenty-five (25); Lots One (1) thru (6), Block Twenty-six (26); Lots One (1) thru Six (6), Block Twenty-seven (27) and Lots One (1) thru Three (3), Block Twenty-eight (28), all in Jenness Addition to the city of Leoti, Wichita County, Kansas.***

*Also described as:*

***A tract of land consisting of the greater portion of Jenness Addition to the City of Leoti In the West Half of Section 13, Township 18 South, Range 37 West of the 6th Principal Meridian, Wichita County, Kansas, said tract being more particularly described as follows:***

***Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 13;***

***Thence South 88°26'37" East a distance of 1303.05 feet;***

***Thence South 01°25'00" West a distance of 2378.43 feet to a point on the North line of the M.O.P. Railroad Right of Way;***

***Thence North 88°38'54" West along the Railroad Right of Way line a distance of 1303.28 feet to a point on the West line of Section 13;***

***Thence North 01°25'20" East along said West line a distance of 835.00 feet;***  
***Thence South 88°38'54" East a distance of 212.00 feet;***  
***Thence North 01°25'20" East a distance of 1010.00 feet;***  
***Thence North 88°38'54" West a distance of 212.00 feet to a point on the West line of said Northwest Quarter;***  
***Thence North 01°25'20" East along said West line a distance of 212.00 feet;***  
***Thence South 88°38'54" East a distance of 185.00 feet;***  
***Thence North 01°25'20" East a distance of 130.53 feet;***  
***Thence North 88°38'54" West a distance of 185.00 feet to a point on the West line of said Northwest Quarter;***  
***Thence North 01°25'20" East along said West line a distance of 195.56 feet to the Point of Beginning.***

WHEREAS, K.S.A. 12-504 and 12-505 along with the City's inherent home rule power give the city the authority to vacate plats.

WHEREAS, in compliance with statutory procedure, notice of the date, time, and place of the City Council's hearing on the Petition was published in the official newspaper for Leoti and mailed to surrounding landowners.

WHEREAS, at the date, time, and place specified in the notice published, the Leoti City Council conducted a public hearing to hear such testimony as was produced before it to fully understand the true nature of the Petition and the propriety of granting the same.

WHEREAS, following the conclusion of the public hearing, the Leoti City Council made the following determinations and findings from the evidence presented.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS:

1. Due and legal notice of the Petition requesting vacation of the platted Jenness Addition to the City of Leoti, Wichita County, Kansas as required by statute, by publication in the Leoti Standard on JANUARY 15, 2020 AND JANUARY 22, 2020, which was at least 20 days prior to the public hearing; and notice mailed to surrounding landowners.
2. No private rights will be injured or endangered nor will the public suffer any loss or inconvenience by the vacation of the Jenness Addition to the City of Leoti, Wichita County, Kansas.

3. No written objection to the Petition has been filed with the City Clerk by an owner or adjoining owner who would be a proper party to object to the Petition.
4. After considering all evidence, justice to the Petitioner is served by granting the Petition.
5. According to the City Street and Maintenance Department, there are no utility lines running through the property that are not now protected by easements.
6. The plat of the undeveloped Jenness Addition to the City of Leoti, Wichita County, Kansas, more particularly described as:

*All of Blocks One (1), Two (2), Three (3); Lots One (1) thru (6), Block Four (4); Lots One (1) thru Six (6), Block Five (5); All of Blocks Six (6), Seven (7), Eight (8), Lots Five (5), Six (6) Seven (7), Eight (8) and the East 118' of Lots Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Nine (9); All of Blocks Ten (10) and Eleven (11); Lots One (1) thru (6), Block Twelve (12); Lots One (1) thru Six (6), Block Thirteen (13); All of Blocks Fourteen (14) and Fifteen (15); the East 118' of Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Sixteen (16); the East 118' of Lots Seven (7), Eight (8) Nine (9), Ten (10), Eleven (11), and Twelve (12), Block Seventeen (17); All of Blocks Eighteen (18) and Nineteen (19); Lots One (1) thru Six (6), Block Twenty (20); Lots One (1) thru Six (6), Block Twenty-one (21); All of Blocks Twenty-two (22), Twenty-three (23), Twenty-four (24); Lots One (1) thru Six (6), Block Twenty-five (25); Lots One (1) thru (6), Block Twenty-six (26); Lots One (1) thru Six (6), Block Twenty-seven (27) and Lots One (1) thru Three (3), Block Twenty-eight (28), all in Jenness Addition to the city of Leoti, Wichita County, Kansas.*

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*A tract of land consisting of the greater portion of Jenness Addition to the City of Leoti In the West Half of Section 13, Township 18 South, Range 37 West of the 6th Principal Meridian, Wichita County, Kansas, said tract being more particularly described as follows:*

*Beginning at the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 13;*

*Thence South 88°26'37" East a distance of 1303.05 feet;*

*Thence South 01°25'00" West a distance of 2378.43 feet to a point on the North line of the M.O.P. Railroad Right of Way;*

*Thence North 88°38'54" West along the Railroad Right of Way line a distance of 1303.28 feet to a point on the West line of Section 13;*

*Thence North 01°25'20" East along said West line a distance of 835.00 feet;*

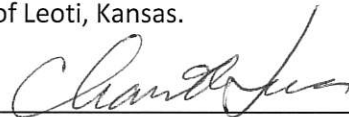
*Thence South 88°38'54" East a distance of 212.00 feet;*

*Thence North 01°25'20" East a distance of 1010.00 feet;*  
*Thence North 88°38'54" West a distance of 212.00 feet to a point on the*  
*West line of said Northwest Quarter;*  
*Thence North 01°25'20" East along said West line a distance of 212.00*  
*feet;*  
*Thence South 88°38'54" East a distance of 185.00 feet;*  
*Thence North 01°25'20" East a distance of 130.53 feet;*  
*Thence North 88°38'54" West a distance of 185.00 feet to a point on the*  
*West line of said Northwest Quarter;*  
*Thence North 01°25'20" East along said West line a distance of 195.56*  
*feet to the Point of Beginning.*  
*The above described tract of land contains 65.75 acres more or less and*  
*is subject to easements and rights-of-way of record.*

shall be, and the same is hereby vacated and cancelled.

7. Such land shall be listed for taxation and other purposes as though it had never been platted.
8. This ordinance shall not be applied to divest any person of their interest in the above described real property. Any prior deed referring to the plat shall continue to have effect.
9. That this Ordinance shall be in full force and effect from and after its passage and summary publication once in the official City newspaper.

ADOPTED this FEBRUARY 3, 2020, by the City Council, City of Leoti, Kansas.



Charlie Hughes, Mayor

ATTEST:



City Clerk

