



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc. #/Flm-Pg: 29693915

Receipt #: 2020842
Pages Recorded: 3

Recording Fee: \$0.00

Cashier: Imelende

Authorized By

Tonya Buckingham

Date Recorded: 06/02/2017 08:42:56 AM



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Grantor	DERBY CITY OF
Grantee	EL PASO CROSSING ADDITION
Type of Document	MISC.ORD
Recording Fees	\$0.00
Mtg Reg Tax	\$0.00
Total Amount	\$0.00
Return Address	CITY OF DERBY 611 MULBERRY ROAD DERBY KS 67037

29693915

Passed: April 25, 2017
Published: May 3, 2017

ORDINANCE NO. 2316

AN ORDINANCE VACATING A PORTION OF THE PLAT TEXT RESERVING USES WITHIN RESERVE "A," EL PASO CROSSING ADDITION, DERBY, SEDGWICK COUNTY, KANSAS, AND PROVIDING FOR RE-DEDICATION OF RESERVATIONS, INCLUDING THE ADDITION OF PARKING LOTS WITHIN SAID RESERVE "A."

WHEREAS, Wesley Medical Center, LLC ("Applicant") has requested vacation of a portion of plat text reserving uses within Reserve "A," El Paso Crossing Addition, Derby, Sedgwick County, Kansas, said plat text more particularly described as follows:

Reserve "A" is reserved for open space, landscaping, berms, monument signs, pipelines as confined to easements, access drives, drainage purposes, and utilities as confined to easements.

WHEREAS, Applicant requests to re-dedicate reservations for said Reserve "A," including the addition of parking lots; and

WHEREAS, such request for vacation and re-dedication was transmitted to affected property owners and agencies with an interest in said portion of plat text for comment; and

WHEREAS, the Planning Commission of the City conducted the required public hearing on April 6, 2017 to determine the advisability of the proposed vacation and re-dedication, at which time, all interested persons in attendance were heard; and

WHEREAS, no written objection pursuant to K.S.A. 12-505 to the proposed vacation and re-dedication was received by the Planning Commission at the time of or before the hearing; and

WHEREAS, the Planning Commission determined that due and legal notice of the petition to vacate was given as required by law, that no private rights will be injured or endangered by such vacation, that the public will suffer no loss or inconvenience thereby, and that in justice to the petitioner, the prayer of the petitioner ought to be granted; and

WHEREAS, the Governing Body adopts the findings of the Planning Commission and finds that no private rights will be injured by such proposed vacation of the above-described portion of plat text and re-dedication of reservations, including the addition of parking lots, and that the same should be granted as provided herein.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:

Section 1. The portion of plat text reserving uses within Reserve "A," El Paso Crossing Addition, Derby, Sedgwick County, Kansas, more particularly described as:

Reserve "A" is reserved for open space, landscaping, berms, monument signs, pipelines as confined to easements, access drives, drainage purposes, and utilities as confined to easements

is hereby ordered to be vacated subject to the requirement(s) stated in Section 2 herein.

Section 2.

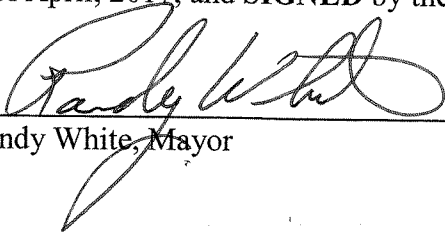
1. Reservations within Reserve "A," El Paso Crossing Addition shall be re-dedicated and recorded as follows: Reserve "A," El Paso Crossing Addition, Derby, Sedgwick County, Kansas shall be reserved for open space, landscaping, berms, monument signs, pipelines as confined to easements, parking lots, access drives, drainage purposes, and utilities as confined to easements; and
2. All parking lots, access drives, screening and landscaping are required to comply with all applicable requirements of the zoning regulations; and
3. Design and installation of parking lots, access drives, screening and landscaping shall be completed in accordance with plans reviewed and approved by the City.

Section 3. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication of the ordinance, or a summary thereof, once in the City's official newspaper as provided by State law.

Section 5. The City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Sedgwick County, Kansas for filing, all in accordance with K.S.A. 12-504, *et seq.*, and amendments thereto.

PASSED by the City Council this 25th day of April, 2017, and **SIGNED** by the Mayor.



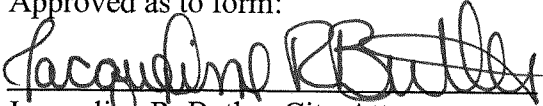
 Randy White, Mayor

Attest:



 Karen Friend, City Clerk

Approved as to form:



 Jacqueline R. Butler, City Attorney

