

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE VACATION OF A PLATTED FIFTEEN-FOOT-WIDE BUILDING SETBACK ON LOT 1, BLOCK 2, TIERRE VERDE SOUTH ADDITION, BETWEEN 45TH AND 49TH STREET ON TIERRA LAKES PARKWAY AND WEST OF WEBB ROAD, IN THE CITY OF BEL AIRE, SEDGWICK COUNTY, KANSAS.

WHEREAS, a petition for vacation of a platted fifteen-foot-wide Building Setback in VAC-25-02, will allow the applicant to proceed with the development of twelve, two-family dwellings and site work; and

WHEREAS, a public hearing on such petition was held before the Planning Commission of the City of Bel Aire, Kansas, on April 10, 2025; and

WHEREAS, the Planning Commission voted to recommend to the Governing Body that the petition for vacation of a platted fifteen-foot-wide Building Setback in VAC-25-02 be approved.

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

Section 1. Findings and Conclusions. The Governing Body determines from the evidence presented:

(A) That due and legal notice has been given as required under K.S.A. 12-504, by publication on the City of Bel Aire Municipal Website at www.belaireks.gov.

(B) No private rights will be injured or endangered by the vacation.

(C) The public will suffer no loss or inconvenience thereby.

(D) In justice to the Petitioner, the request of the petition ought to be granted.

(E) 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.

Section 2. Order of Vacation. The following described fifteen-foot wide Building Setback located within the corporate limits of the City of Bel Aire, Kansas is hereby ordered vacated, to-wit:

That part of Lot 1, Block 2, Tierra Verde South Addition PUD, Bel Aire, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Westerly, Southwest corner of said Lot 1; thence northeast, along the West line of said Lot 1, along N58°02'12"E a distance of 25.00 feet to the POINT OF BEGINNING; thence continuing northeast along the West line of said Lot 1, along N58°02'12"E, a distance of 15.00 feet; thence southeast, perpendicular to the West line of said Lot 1, S31°57'48"E a distance of 27.92 feet; thence along a curve to the left, said curve having a length of 384.85 feet, a radius of 245.00 feet, and a delta of 90°00'00"; thence northeast, perpendicular to the East line of said Lot 1, N58°02'12"E a distance of 8.15 feet to a point on the East line of said Lot 1; thence southeast along the East line of said Lot 1, along S31°57'48"E a distance of 15.00 feet; thence southwest, perpendicular to the East line of said Lot 1, S58°02'12"W a distance of 8.15 feet; thence along a curve to the right, said curve having a length of 408.41 feet, a radius of 260.00 feet, and a delta of 90°00'00"; thence northwest, perpendicular to the West line of said Lot 1, N31°57'48"W a distance of 27.92 feet to a point on the West line of said Lot 1, said point also being the Point of Beginning.

General Location: Between 45th and 49th Street on Tierra Lakes Parkway and West of Webb Road, Bel Aire, Sedgwick County, Kansas

The City of Bel Aire, Kansas reserves to itself any property rights it may hold in the area that are not expressly vacated herein.

Section 3. Recording. The City Clerk shall certify a copy of this Ordinance is sent to the Register of Deeds of Sedgwick County, Kansas.

Section 4. Publication. The City Clerk shall cause this Ordinance, as soon as practicable after it has been passed and approved, to be published on the City's website as the designated official city newspaper.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

71 Passed by the Governing Body of the City of Bel Aire, Kansas on the 6th day of May, 2025.

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73 Approved by the Mayor on the _____ day of May, 2025.

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76 CITY OF BEL AIRE, KANSAS

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Jim Benage, Mayor

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83 ATTEST:

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Melissa Krehbiel, City Clerk

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91 APPROVED AS TO FORM ONLY:

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Maria A. Schrock, City Attorney