

THE CITY OF HAYSVILLE, KANSAS

ORDINANCE NO. 1152

AN ORDINANCE VACATING THE PLATTED COMPLETE ACCESS CONTROL AND A PORTION OF THE CENTERLINE UTILITY EASEMENT WITHIN LOT 3 AND THE EAST 20 FEET OF LOT 4, PEAR TREE 2ND ADDITION

WHEREAS, the owners of certain platted property have requested a vacation of the complete access control and centerline utility easement within Lot 3 and the East 20 feet of Lot 4, Pear Tree 2nd Addition to Haysville, Sedgwick County, Kansas; and

WHEREAS, on June 11, 2026, after providing notice to the public, the Haysville Planning Commission held a public hearing and considered the request to vacate said complete access control and centerline utility easement at which time all interested persons in attendance were heard; and

WHEREAS, no written objections pursuant to KSA 12-505 to the proposed vacation 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 petition 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 herein described complete access control and centerline utility easement, and that the same should be granted as provided herein.

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

Section 1. The platted complete access control and centerline utility easement within Lot 3 and the East 20 feet of Lot 4, Pear Tree 2nd Addition to Haysville, Sedgwick County, Kansas as further described below and on Exhibit "A" is hereby vacated:

A 10 foot Utility Easement being center on the common Lot line between Lots 3 and 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas EXCEPT the South 10 feet thereof.

Section 2. Any lesser property rights, rights-of-ways, and easements for public service facilities originally held and currently in existence within the above-described portion of platted utility easement are hereby reserved to the city and the owners of any lesser property rights for public utilities.

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 provision 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 and Approved by the Governing Body of the City of Haysville, Kansas this 13th day of July 2026.

Approved by the Mayor this 13th day of July, 2026.

ATTEST

Angela Fulton
Angela Fulton, City Clerk

Russ Kessler
Russ Kessler, Mayor

Approved as to form:

Joshua Pollak
Joshua Pollak, City Attorney

Exhibit "A"

VACATION SITE PLAN

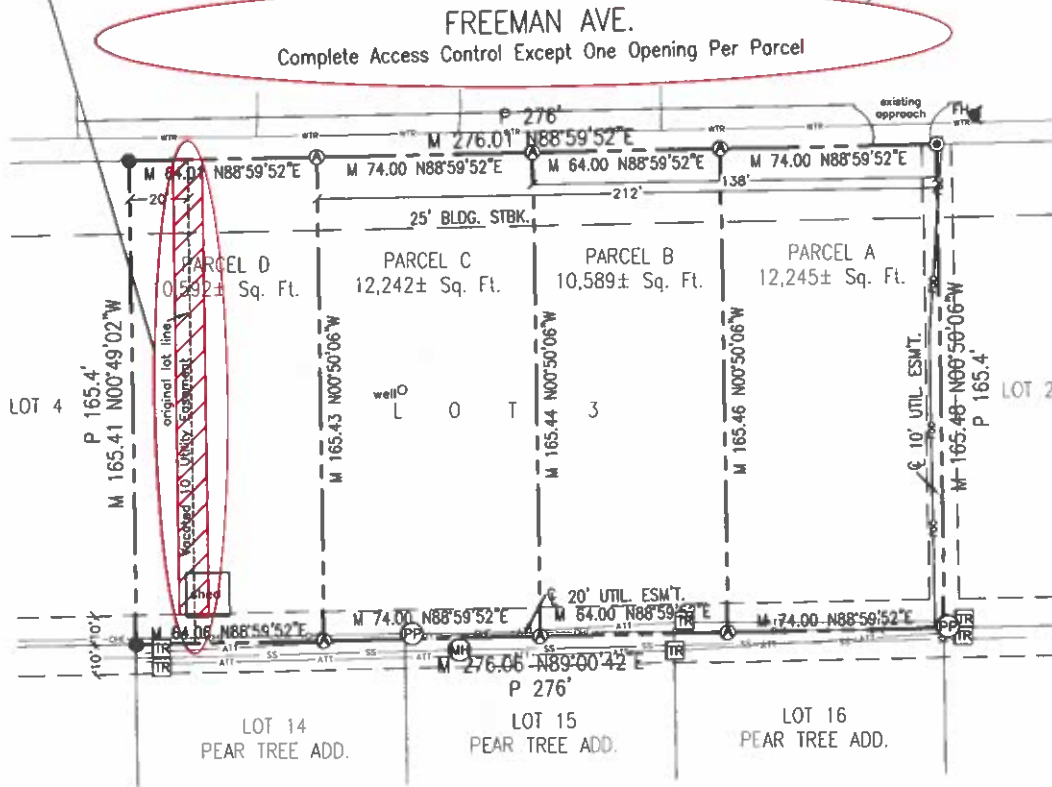
For: Scapa Homes, Inc.

Lot 3 and the East 20 feet of Lot 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas

KS One Call Ticket #25044406 dated February 7, 2025 identified no utilities within the platted 10 ft. Utility Easement. Vacate entire 10 ft. Utility Easement described as:

A 10 foot Utility Easement being centered on the common Lot line between Lots 3 and 4, Pear Tree 2nd Addition, Haysville, Sedgwick County, Kansas, EXCEPT the South 10 feet thereof.

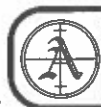
Pear Tree 2nd Addition has Access Control along Freeman Ave. allowing two opening for each lot. Modify Access Control to allow one opening for each parcel.



TR = telephone riser
MH = manhole
PP = power pole
FH = fire hydrant

--- subject property line
--- adjacent property line
--- easement line
--- setback line
--- AT&T line
--- fiber optic line
--- overhead electric line
--- sanitary sewer line
--- water line

Ⓐ - "ARMSTRONG" capped rebar set
● - #4 rebar found
⊙ - 1/2" iron pipe found
⊙ - 3/4" iron pipe found
M = measured
P = plat



**ARMSTRONG
LAND SURVEY, P.A.**

W.O. #43515-UE
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