Planning Agenda Item #

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1183 - VACATION OF A PORTION OF A SANITARY SEWER EASEMENT LOCATED EAST OF ROCK ROAD, 1/4 MILE SOUTH OF CENTRAL.

The Planning Commission recommends approval subject to:

A. The applicant shall guarantee the relocation of the sanitary sewer from the easement being vacated.

B. The applicant shall dedicate a substitute utility easement for relocation of the sanitary sewer line.

C. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant.

D. All proceedings being without cost to the City, County, or any utility company.

Gardner moved, Parsons seconded and it carried unanimously. Chisholm was absent. One vacancy. (5-5-83)

Note: The letter of credit submitted with V-1182 includes the cost of relocating this sanitary sewer into a new easement which is being granted by separate instrument.

ACTION: Accept the sanitary sewer easement and instruct the City Clerk to file the easement with the Register of Deeds, the recording cost of which shall be billed to the applicant; approve the vacation request as recommended by the Metropolitan Area Planning Commission and place the ordinance on first reading.

VACATION CASE DATA

Legal Description: A sanitary sewer easement 30 feet in width, 15 feet on each side of the following described line, with the following described place of beginning: Beginning at a point on the center line of Douglas Avenue 1213.37 feet east of the center line of Rock Road; thence northwesterly at an angle to the right of 63° 31' for a distance of 674.34 feet; thence northerly with an angle to the right of 22° 26' 30" for a distance of 374.69 feet; thence northwesterly with an angle to the left of 46° 34' for a distance of 382.95 feet; thence northwesterly with an angle to the right of 7° 37' a distance of 417.57 feet for the point of beginning; thence westerly to a point on the center line of Rock Road 1127.5 feet south of the center line of Central Avenue; in the Northwest Quarter of Section 20, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

General Location: East side of Rock Road, 1/4 mile south of Central.

Applicant: Frank Carney, et. al.
400 N. Woodlawn, Suite 205, 67208

Protestors (If any): None

(98291) (Published in The Daily Record Jan 13, 1984)

ORDINANCE NO. 38-633

AN ORDINANCE VACATING A PORTION OF A SANITARY SEWER EASEMENT RECORDED IN MISCELLANEOUS BOOK 489 AT PAGE 63 IN THE SEDGWICK COUNTY REGISTER OF DEEDS OFFICE AND LOCATED IN THE NW 1/4 OF SECTION 20, TOWNSHIP 27 SOUTH, RANGE 2 EAST OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS.

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

SECTION 1. That the portion of sanitary sewer easement recorded in Miscellaneous Book 489 at Page 63 and described as follows, to-wit:

A sanitary sewer easement 30 feet in width, 15 feet on each side of the following described line, with the following described place of beginning: Beginning at a point on the center line of Douglas Avenue 1213.37 feet east of the center line of Rock Road; thence northwesterly at an angle to the right of 63° 31' for a distance of 674.34 feet; thence northerly with an angle to the right of 22° 26' 30" for a distance of 374.69 feet; thence northwesterly with an angle to the left of 46° 34' for a distance of 382.95 feet; thence northwesterly with an angle to the right of 7° 37' a distance of 417.57 feet for the point of beginning; thence westerly to a point on the center line of Rock Road 1127.5 feet south of the center line of Central Avenue; in the Northwest Quarter of Section 20, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas. (MAPC NO. V-1183);

be and the same is hereby vacated in accordance with K.S.A. 13-443, subject, however, to the concurrence in such vacation by the Board of County Commissioners as by law provided.

SECTION 2. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that said above described easement be vacated by said Board in case a proper petition is filed under the provisions of K.S.A. 12-504, 12-505 and K.S.A. 12-506.

SECTION 3. That this Ordinance shall be in force and take effect from and after its passage and publication once in the official city paper.

PASSED AND APPROVED at Wichita, Kansas this 10TH day of January, 1984.

ATTEST:

Margalee Wright, Mayor

Donald C. Gisick, City Clerk

(SEAL)

REASON FOR REQUEST:

