

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1344 VACATION OF A PORTION OF A UTILITY EASEMENT GENERALLY LOCATED SOUTH OF LAKELAND CIRCLE IN AN AREA WEST OF LONGLAKE.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The vacation order shall vacate only that portion of the utility easement that is physically needed for building construction. The applicant shall submit the revised legal description.

Bayouth moved, Banzer seconded and it carried unanimously. Crockett was not yet present. (8/8/85)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: That part of the 10-foot wide easement adjacent to the rear line of Lot 7, Block 3, Cedar Lakes Village First Addition to Wichita, Sedgwick County, Kansas, described as commencing at the southeast corner of said Lot 7; thence north along the east line of said Lot 7 to the intersection of the north line of said 10-foot easement; thence N 74°44'30" W, along the north line of said easement 52.70 feet for a place of beginning; thence continuing N 74°44'30" W along the north line of the easement, 34.52 feet to the bend point of said easement line; thence S 15°15'30" W, 2 feet; thence S 74°44'30" E, 34.52 feet; thence N 15°15'30" E, 2 feet to the place of beginning. (MAPC No. V-1344).

Applicant: Richard A. Hiebsch
8307 Lakeland Circle
Wichita, Kansas 67207

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted the revised legal description specified in item "E" above.

FILED FOR RECORD
1:00 P.M.

MICROFILM
OF RECORD

film 754 pg 954

SEP 30 1985
7 69496

Ed Peral
Deputy

NO. PAT KETTLER
REGISTER OF DEEDS

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
A PORTION OF A UTILITY EASEMENT

GENERALLY LOCATED SOUTH OF LAKE LAND
CIRCLE IN AN AREA WEST OF LONGLAKE

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
this SEP 03 1985.

VACATION ORDER

NOW on this 3rd day of September, 1985, comes on for hearing the petition for vacation filed by Richard A. Hiebsch, praying for the vacation of the following described portion of a utility easement, to-wit:

That part of the 10-foot wide easement adjacent to the rear line of Lot 7, Block 3, Cedar Lakes Village First Addition to Wichita, Sedgwick County, Kansas, described as commencing at the southeast corner of said Lot 7; thence north along the east line of said Lot 7 to the intersection of the north line of said 10-foot easement; thence N 74°44'30" W, along the north line of said easement 52.70 feet for a place of beginning; thence continuing N 74°44'30" W along the north line of the easement, 34.52 feet to the bend point of said easement line; thence S 15°15'30" W, 2 feet; thence S 74°44'30" E, 34.52 feet; thence N 15°15'30" E, 2 feet to the place of beginning. (MAPC No. V-1344).

The City Commission, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Record of notice of this vacation proceeding for consecutive weeks on AUG 21 & 28, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner the prayer of the petition ought to be granted.
4. 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.
5. The vacation of the portion of a utility easement described herein should be approved.

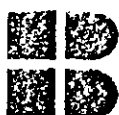
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 3rd day of September, 1985, ordered that the above-described portion of a utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

R. C. Brown
R. C. Brown, Mayor

ATTEST:
Donald C. Giesick
Donald C. Giesick, City Clerk

Approved as to Form:
John Dekker
John Dekker, Director of Law
city clerk

5.00



BAUGHMAN COMPANY, P.A.

S U R V E Y O R S

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

March 18, 1980

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 18th day of March, 1980, survey Lot 7, Block 3, Cedar Lakes First Addition to Wichita, Sedgwick County, Kansas.

On said lot is house No. 8307 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Surveyor

LAKELAND CIR

