

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1329 VACATION OF A SEWER EASEMENT GENERALLY LOCATED EAST OF CHERYL IN AN AREA SOUTH OF 18TH STREET NORTH.

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 utility necessitated by this vacation shall be at the sole expense of the applicant.
- E. The applicant shall dedicate, by separate instrument, a substitute easement for the sanitary sewer.

Bayouth moved, Peters seconded and it carried unanimously. Crockett, Gardner and were absent. (5/30/85)

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: Beginning at the northwest corner of Lot 2, Block B, Jamesburg Park 2nd Addition, Wichita, Sedgwick County, Kansas, said point being on the southerly line of Cheryl Court, being a curve to the left having a radius of 277.45 feet; thence southeasterly along said curve and through a central angle of 01° 14' 21", 6.00 feet; thence S 46° 27' 12" W, 117.50 feet; thence N 43° 32' 48" W, 6.00 feet to a point on the westerly line of said Lot 2; thence N 46° 27' 12" E, 117.44 feet to the point of beginning.

AND

Beginning at the northeast corner of Lot 1, Block B, Jamesburg Park 2nd Addition, Wichita, Sedgwick County, Kansas; thence S 46° 27' 12" W, along the easterly line of said Lot 1, 117.44 feet; thence N 43° 32' 48" W, 14.00 feet; thence N 46° 27' 12" E, 117.44 feet to a point on the southerly line of Cheryl Court; thence southeasterly along said line, 14.00 feet to the point of beginning. (MAPC No. V-1329)

Applicant: Tyler Associates II
727 North Waco, Suite 260
Wichita, Kansas 67203

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted, by separate instrument, the dedication of the substitute sewer easement specified in item E above. The dedication should be accepted by the BCC and filed with the 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 SEWER EASEMENT

GENERALLY LOCATED EAST OF CHERYL
IN AN AREA SOUTH OF 18TH STREET NORTH
(MAPC NO. V-1329)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT

8:00 AM

JUL 15 1985

NO. 7 56278

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

*Ed Resal
Deputy*

VACATION ORDER

NOW on this 25th day of June, 1985, comes on for hearing the petition for vacation filed by Leonard E. Marotte, praying for the vacation of the following described sewer easement, to-wit:

Beginning at the northwest corner of Lot 2, Block B, Jamesburg Park 2nd Addition, Wichita, Sedgwick County, Kansas, said point being on the southerly line of Cheryl Court, being a curve to the left having a radius of 277.45 feet; thence southeasterly along said curve and through a central angle of $01^{\circ} 14' 21''$, 6.00 feet; thence S $46^{\circ} 27' 12''$ W, 117.50 feet; thence N $43^{\circ} 32' 48''$ W, 6.00 feet to a point on the westerly line of said Lot 2; thence N $46^{\circ} 27' 12''$ E, 117.44 feet to the point of beginning.

AND

Beginning at the northeast corner of Lot 1, Block B, Jamesburg Park 2nd Addition, Wichita, Sedgwick County, Kansas; thence S $46^{\circ} 27' 12''$ W, along the easterly line of said Lot 1, 117.44 feet; thence N $43^{\circ} 32' 48''$ W, 14.00 feet; thence N $46^{\circ} 27' 12''$ E, 117.44 feet to a point on the southerly line of Cheryl Court; thence southeasterly along said line, 14.00 feet to the point of beginning. (MAPC No. V-1329)

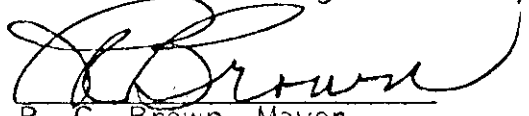
The City Commission, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 JUNE 12 & 19, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described sewer 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 sewer easement described herein should be approved.

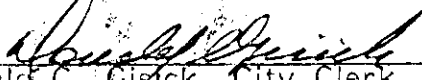
6.00

City Clerk

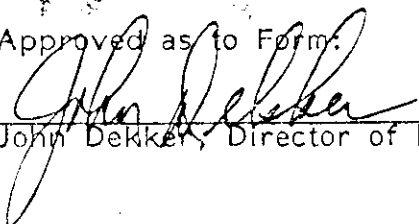
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 25th day of June, 1985, ordered that the above-described sewer easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


R. C. Brown, Mayor

ATTEST:


Donald C. Gistick, City Clerk

Approved as to Form:


John Dekker, Director of Law

