

City of Wichita
City Commission Meeting
August 5, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1403 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT,
LOCATED AT THE SOUTHEAST CORNER OF 13TH STREET NORTH AND
OLIVER.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Phillips Petroleum Company, c/o PT, RE & C, 101 N. Robinson, Oklahoma City, OK 73102, is requesting this vacation to clear area for construction of a sign.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company; and
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action:

Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

this AUG 5 1986BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF UTILITY
EASEMENT.GENERALLY LOCATED AT THE SOUTHEAST CORNER
OF 13TH STREET AND OLIVER. (V-1403)

MORE FULLY DESCRIBED BELOW

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

AUG 19 1986

NO. 8 26845

PAT KETTLER
REGISTER OF DEEDSMICROFILMED
OF RECORD

VACATION ORDER

NOW on this 5th day of August, 1986, comes on for hearing the petition for vacation filed by Phillips Petroleum Company, praying for the vacation of the following described utility easement, to-wit:

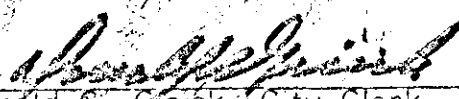
Beginning at a point being the northwest corner of Lot 28, Block 1, Williamsburg Addition to the City of Wichita, thence south along the west line of said Lot 28, Block 1, 70 feet to a point; thence east three feet to a point; thence north and parallel to said west line of said Lot 28, Block 1, 67 feet to a point; thence north $89^{\circ} 54' 13''$ east a distance of 92 feet to a point; thence north $0^{\circ} 5' 47''$ west three feet to a point; thence south $89^{\circ} 54' 13''$ west along the north line of said Lot 28, Block 1, 95 feet to the point of beginning. (V-1403)

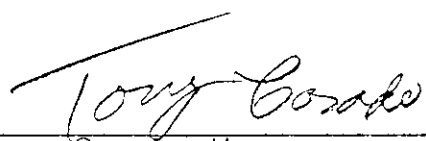
The City Commission, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 JULY 23 & 30, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s) 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 utility easement described herein should be approved.

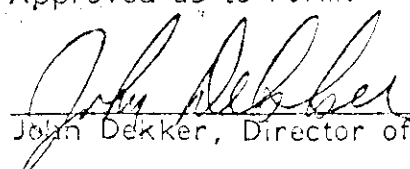
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 5th day of August, 1986, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

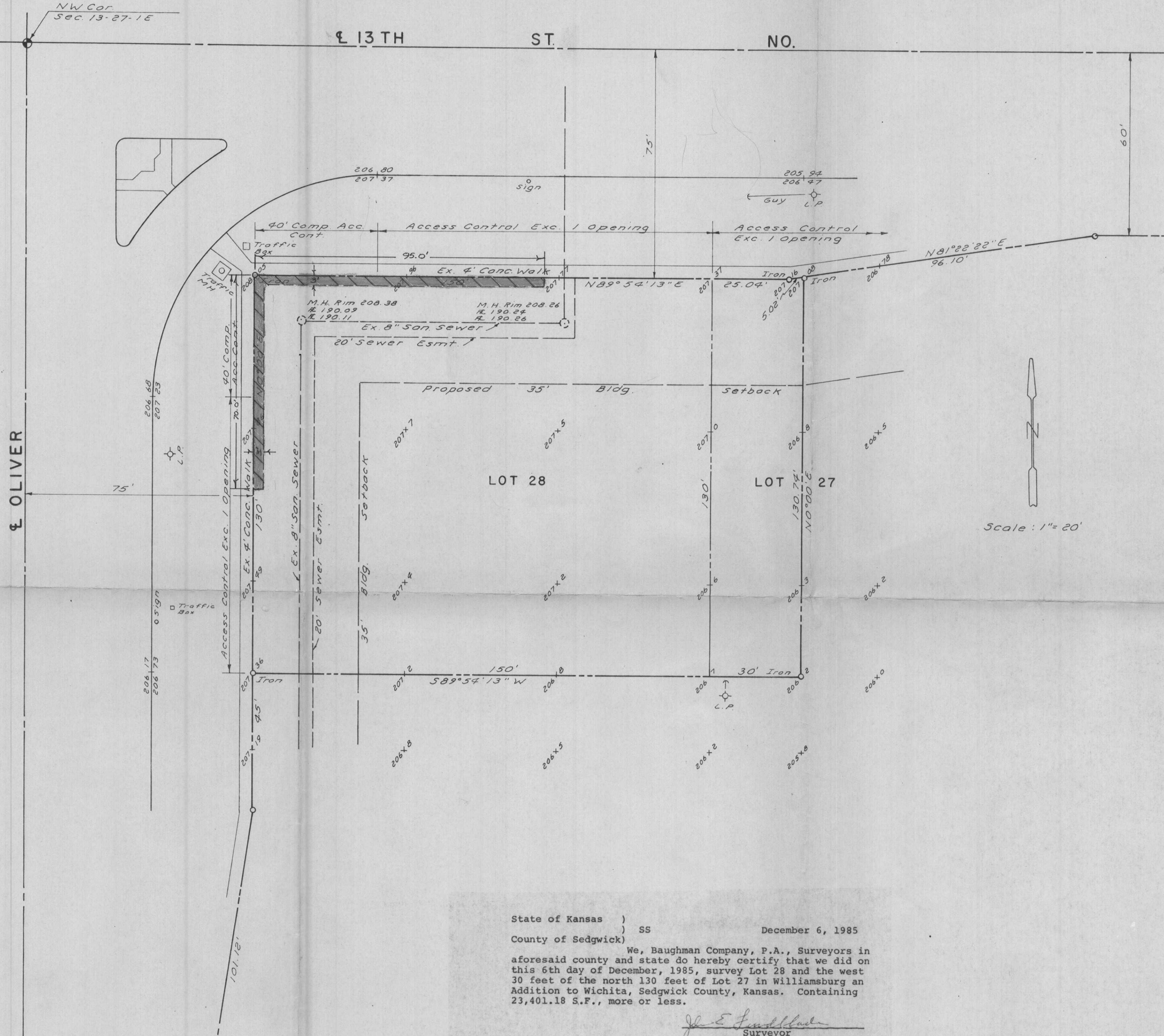

Donald C. Gisick, City Clerk


Tony Casado, Mayor

Approved as to Form:


John Dekker, Director of Law

city clerk



State of Kansas)
) SS
County of Sedgwick)

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 6th day of December, 1985, survey Lot 28 and the west 30 feet of the north 130 feet of Lot 27 in Williamsburg an Addition to Wichita, Sedgwick County, Kansas. Containing 23,401.18 S.F., more or less.

John E. Lundblad
Surveyor

December 6, 1985