

City of Wichita
City Commission Meeting
July 8, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1398 - REQUEST TO VACATE BLANKET UTILITY EASEMENT, LOCATED
WEST OF BLUFF, IN AN AREA SOUTH OF CENTRAL.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of blanket utility easement.

Background: Susan J. Adams, 338 S. Scouller, Wichita, KS 67209, is requesting this vacation to clear the property from the blanket easement restriction.

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;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The Vacation Order shall retain the south five feet of the application area as a utility easement.

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.

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

IN THE MATTER OF THE VACATION OF BLANKET
UTILITY EASEMENT.

GENERALLY LOCATED WEST OF BLUFF, IN AN AREA
SOUTH OF CENTRAL. (V-1398)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Approved by Board of Commissioners

THIS JUL 8 1986

STATE OF KANSAS { 83
SEDGWICK COUNTY

FILED FOR RECORD AT

AUG 8 1986

NO. 8 24418

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed. Rosal
Deputy

NOW on this 8th day of July, 1986, comes on for hearing the petition for vacation filed by Susan J. Adams, praying for the vacation of the following described utility easement, to-wit:

The blanket utility easement filed for record on miscellaneous Book X, Page 493, on the south 67 feet of Lots 8, 9, 10 and 11, on Central, Samuel's 2nd Addition to Wichita, Kansas, except the south 5 feet thereof. (V-1398)

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 25 & JULY 2, 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 south five feet of Lots 8, 9, 10 and 11, on Central Avenue, Samuel's 2nd Addition to Wichita, Kansas, is retained as utility easement.
6. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 8th day of July, 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
Donald C. Gisick, City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

5.00

N. BRENT WOOTEN, P.E.

SURVEYING & ENGINEERING

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

State of Kansas)
) SS
County of Sedgwick)

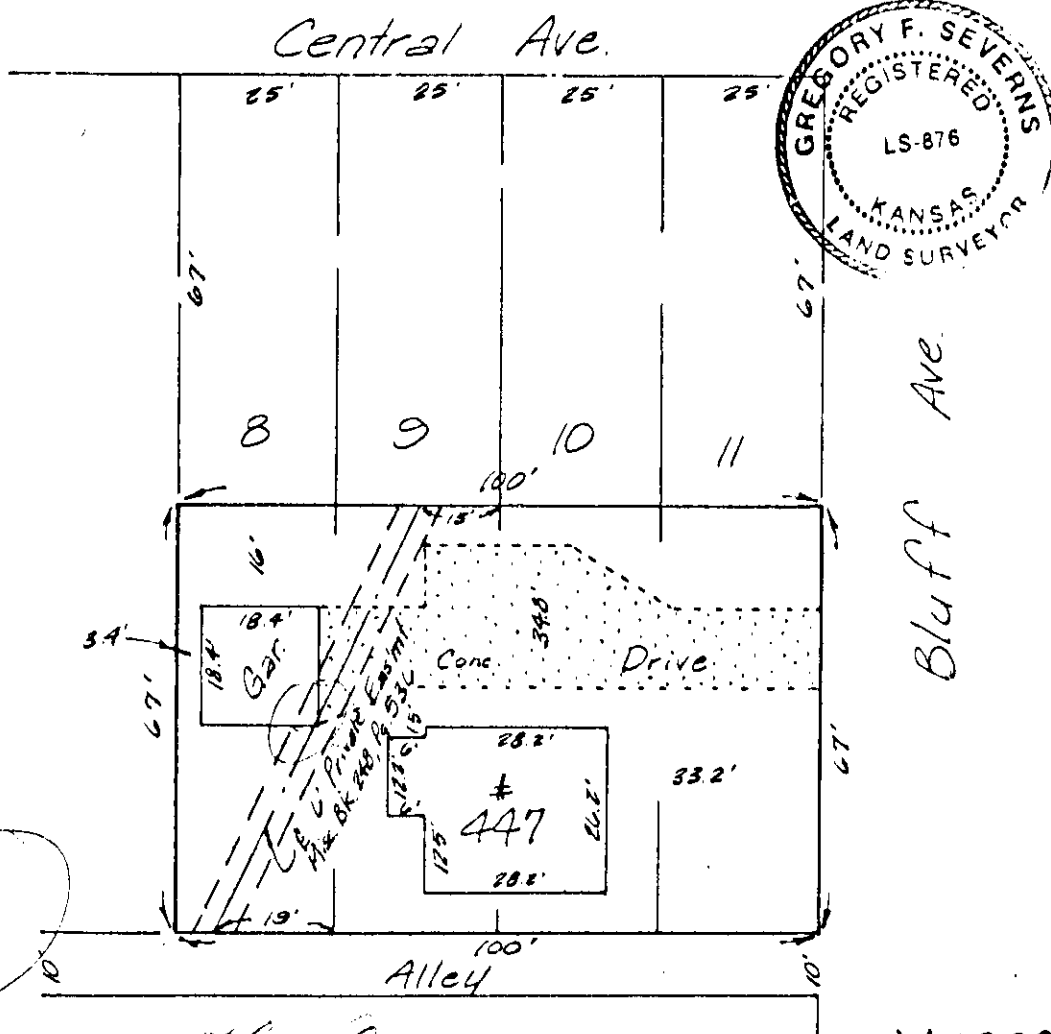
May 15, 1986

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 15th day of May, 1986, survey the south 67 feet of Lots 8, 9, 10, and 11 on Central, Samuel's 2nd Addition to Wichita, Kansas.

On said lot is house No. 447 with a detached 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



Blanket Eggs int.
Misc. Bk. X, Pg. 493

V-1348

2 EASEMENT FOR SEWER PURPOSES OVER, ALONG AND UNDER SUBJECT PROPERTY, WITH THE RIGHT OF INGRESS AND EGRESS AS GRANTED TO THE CITY OF WICHITA, RECORDED IN MISC. BOOK X, PAGE 493. PERPETUAL RIGHT OF WAY AND EASEMENT FOR SEWER PURPOSES, WITH THE RIGHT OF INGRESS AND EGRESS AS GRANTED TO FLORENCE W. HUEBNER, HER HEIRS AND ASSIGNS IN MISC. BOOK 248, PAGE 536 OVER THE FOLLOWING DESCRIBED PROPERTY: 3' ON EITHER SIDE OF THE FOLLOWING CENTER LINE: BEGINNING AT A POINT 67' SOUTH AND 13' W. OF THE NE CORNER OF LOT 9, THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH LINE OF LOT 8, WHICH IS 19' W. OF THE SE CORNER OF L.8

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3 TAXES FOR THE YEAR 1986 AND SUBSEQUENT YEARS NOT YET DUE AND PAYABLE
TOGETHER WITH SPECIAL ASSESSMENTS DUE AND PAYABLE THEREWITH.