

City of Wichita
City Commission Meeting
June 24, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1395 - REQUEST TO VACATE STREET RIGHT-OF-WAY,
LOCATED ON THE SOUTH SIDE OF 37TH STREET NORTH,
IN AN AREA EAST OF COMOTARA AND WEST OF WEBB ROAD.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of street right-of-way.

Background: Industrial Park Development Company, P.O. Box 486, Wichita, KS 67201, is requesting this vacation in order to provide more buildable area.

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;
5. The Vacation Order shall retain the east 55 feet of Tract Three as a drainage easement;
6. The Vacation Order shall retain all of Tract One as a utility easement;
7. The Vacation Order shall retain the south 15 feet of Tracts Two and Three as a utility easement; and
8. The applicant shall meet with representatives of the Gas Service Company to work up acceptable legal descriptions for three areas to be retained as utility easements. These legal descriptions shall be submitted to the Planning Department for inclusion in the Vacation Order.

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 PORTIONS OF
STREET RIGHTS-OF-WAY

GENERALLY LOCATED ON THE SOUTH SIDE OF 37TH
STREET NORTH, BETWEEN COMOTARA AND WEBB
ROAD. (V-1395)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } 53
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

JUL 3 1986

NO. 8 16247

PAT KETTLER
REGISTER OF DEEDS

Ed R. Rasmussen
Deputy

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 24th day of June, 1986, comes on for hearing the petition for vacation filed by Industrial Park Development Company, praying for the vacation of the following described street rights-of-way, to-wit:

TRACT ONE

The south 10 feet of the north 60 feet of the northeast quarter of Section 32, Township 26S, Range 2E of the 6th P.M., for that portion immediately adjacent to the north line of Lots 1 and 2, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas;

AND

TRACT TWO

The south 25 feet of the north 60 feet of the northeast quarter of Section 32, Township 26S, Range 2E of the 6th P.M., for that portion immediately adjacent to the north line of Lots 5 thru 8, inclusive, and the west 55.86 feet of the north line of Lot 9, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas;

AND

TRACT THREE

That portion of 37th Street North described as:

Beginning at the northwest corner of Lot 3, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas; thence N 89°07'32" E, 410 feet to the northeast corner of Lot 4 in said Addition; thence N 00°56'53" W, on the extended east line of said Lot 4, 25 feet; thence S 89°07'32" W, 0.38 feet to the P.C. of a curve to the right, having a radius of 175 feet and a central angle of 35°36'19"; thence northwesterly, along said curve, 108.75 feet to the P.T. of said curve; thence N 55°16'09", on a line tangent to said curve, 3.92 feet to the intersection of the north line of the northeast quarter of Section 32, Township 26S, Range 2E of the 6th P.M., Sedgwick County, Kansas; thence S 89°07'32" W along the north line of said northeast quarter, 86.38 feet to a point on a curve to the right, having a radius of 570.87 feet; thence southwesterly, along said curve, through a central angle of 22°36'17", an arc distance of 225.22 feet and having a chord bearing S 76°16'08.5" W, 223.76 feet to a point on the extended west line of said Lot 3; thence S 00°56'53" E, 10.21 feet to the place of beginning.

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 11 & 18, 1986.

2. No private rights will be injured or endangered by the vacation of the above-described street rights-of-way, and the public will suffer no loss or inconvenience thereby.

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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 east 55 feet of Tract Three is hereby retained as a utility easement.

6. All of Tract One is hereby retained as a utility easement.

7. The south 15 feet of Tracts Two and Three is hereby retained as a utility easement.

8. The west 20 feet of the east 360.86 feet of Tract Two is hereby retained as a utility easement.

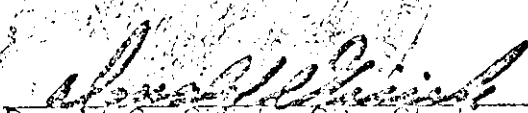
9. The west 15 feet of the east 678.36 feet of Tract Two is hereby retained as a utility easement.

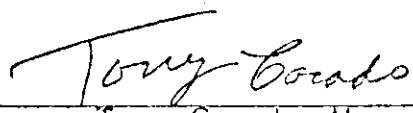
10. The west 15 feet of the east 212.50 feet of Tract Three is hereby retained as a utility easement.

11. The vacation of the street rights-of-way described herein should be approved.

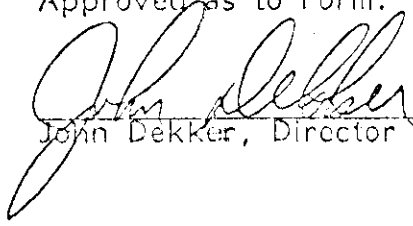
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 24th day of June, 1986, ordered that the above-described street rights-of-way are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:


Donald C. Gisick, City Clerk


Tony Casado, Mayor

Approved as to Form:


John Dekker, Director of Law

WILLIAM L. KORBER, L.S.

JOHN E. LUNDBLADE, L.S.

N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

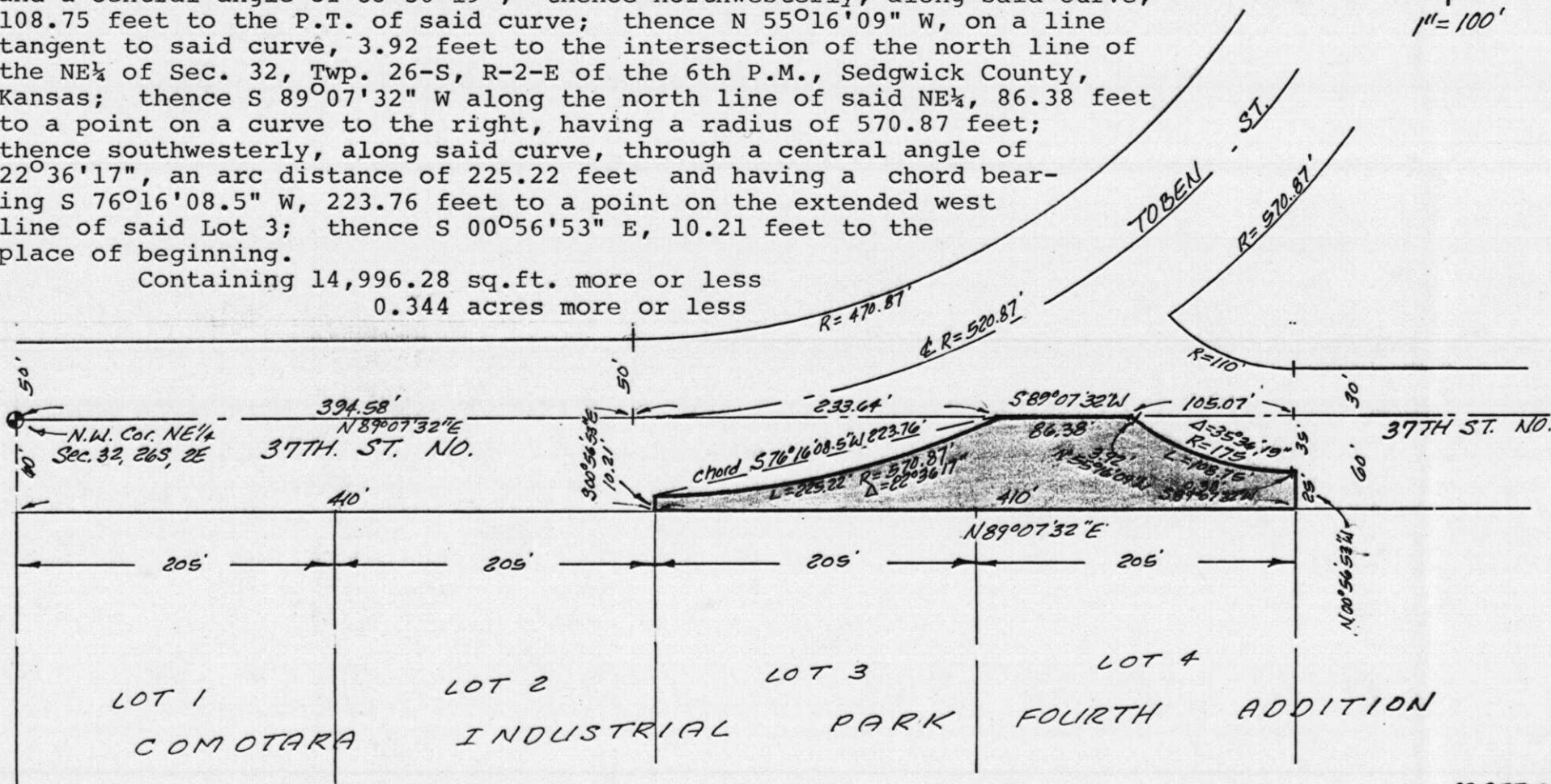
SURVEYING & ENGINEERING

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

Legal Description for Vacating a portion of 37th St. No.

Beginning at the N.W. Corner of Lot 3, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas; thence N $89^{\circ}07'32''$ E, 410 feet to the N.E. Corner of Lot 4 in said Addition; thence N $00^{\circ}56'53''$ W, on the extended east line of said Lot 4, 25 feet; thence S $89^{\circ}07'32''$ W, 0.38 feet to the P.C. of a curve to the right, having a radius of 175 feet and a central angle of $35^{\circ}36'19''$; thence northwesterly, along said curve, 108.75 feet to the P.T. of said curve; thence N $55^{\circ}16'09''$ W, on a line tangent to said curve, 3.92 feet to the intersection of the north line of the NE $\frac{1}{4}$ of Sec. 32, Twp. 26-S, R-2-E of the 6th P.M., Sedgwick County, Kansas; thence S $89^{\circ}07'32''$ W along the north line of said NE $\frac{1}{4}$, 86.38 feet to a point on a curve to the right, having a radius of 570.87 feet; thence southwesterly, along said curve, through a central angle of $22^{\circ}36'17''$, an arc distance of 223.76 feet and having a chord bearing S $76^{\circ}16'08.5''$ W, 223.76 feet to a point on the extended west line of said Lot 3; thence S $00^{\circ}56'53''$ E, 10.21 feet to the place of beginning.

Containing 14,996.28 sq.ft. more or less
0.344 acres more or less



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