

City of Wichita
City Commission Meeting
March 3, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1437 - REQUEST TO VACATE PORTIONS OF UTILITY AND
DRAINAGE EASEMENTS, LOCATED IN AN AREA WEST OF LINDEN,
SOUTH OF SHANNON WAY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of portions of utility and drainage easements.

Background: Phillip Hesse, 1236 S. Sagebrush, Wichita, KS 67230, is requesting this vacation to provide additional buildable lot area. The portions of easements not vacated are needed for perpendicular utility and drainage easements.

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 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
PLATTED UTILITY AND DRAINAGE EASEMENTS.

GENERALLY LOCATED IN AN AREA WEST OF
LINDEN, SOUTH OF SHANNON WAY. (V-1437)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
this MAR 3 1987

VACATION ORDER

NOW on this 3rd day of March, 1987, comes on for hearing the petition for vacation filed by Phillip E. Hesse, praying for the vacation of the following described portions of platted utility and drainage easements, to-wit:

Two tracts of land lying in the Northeast Quarter of Section 17, Township 27 South, Range 2 East of the 6th P.M., more particularly described as:

The north 10.00 feet of Lot 23, Block 1, Woodland Estates, an addition to Wichita, Sedgwick County, Kansas, except for the east 10.00 feet of the west 30.00 feet of said lot.

AND ALSO:

The west 20.00 feet of Lot 23, Block 1, Woodland Estates, except the south 30.00 feet of the west 20.00 feet of said lot. (V-1437)

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 FEB 18 & 25, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described utility and drainage easements, 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 and drainage easements described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 3rd day of March, 1987, ordered that the above-described utility and drainage easements 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.

STATE OF KANSAS } 53
SEDGWICK COUNTY }
FILED FOR RECORD AT
7-000-12

ATTEST:

MAR 12 1987

Tony Casado, Mayor

Dale E. Rea, Deputy City Clerk

NO. 8 68046
PAT KETTLER
REGISTER OF DEEDS

Approved as to Form:

Thomas R. Powell, Interim Director of Law

MICROFILMED
OF RECORD

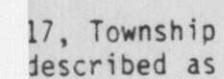
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City Clerk

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Know all men by these presents that we the undersigned property owners of the land as above set forth in the Civil Engineers Certificate, have caused the same to be surveyed and platted into lots, blocks, streets and reserves, the same to be known as "WOODLAND ESTATES" an addition to Wichita, Sedgwick County, Kansas. The streets are hereby dedicated to and for the use of the public. Easements for the construction and maintenance of street, drainage and public utilities as indicated on the accompanying plat are hereby granted. Reserves "A", "B" & "C" are being