

City of Wichita
City Commission Meeting
February 3, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1435 - REQUEST TO VACATE PORTIONS OF PLATTED UTILITY
EASEMENTS, GENERALLY LOCATED NORTH OF 21ST STREET NORTH
AND EAST OF ROCK ROAD.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easements.

Background: Slawson Investment Corporation, 10300 W. Central, Wichita, KS 67212 is requesting this vacation to provide additional buildable area. Those portions of the easements not being vacated are needed to cover existing or planned utility lines.

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 applicant shall submit a revised vacation petition which excludes from vacation sufficient easement to provide for an existing sanitary sewer manhole. Prior to submitting this revised petition, the new legal description shall be reviewed and approved by City Engineering.

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
PLATTED UTILITY EASEMENTS.

GENERALLY LOCATED NORTH OF 21ST STREET
NORTH AND EAST OF ROCK ROAD. (V-1435)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners

This FEB 03 1987

VACATION ORDER

MICROFILMED
OF RECORD

NOW on this 3rd day of February, 1987, comes on for hearing the petition for vacation filed by Slawson Investment Corporation, praying for the vacation of the following described portions of platted utility easements, to-wit:

That portion of a 20.00 foot utility easement platted in Lot 1, Block 1, Tallgrass Inn, an Addition to Wichita, Sedgwick County, Kansas, described as follows:

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

Commencing at a point on the west line of Summerfield, an Addition to Wichita, Sedgwick County, Kansas, and the east line of Tallgrass Inn, an Addition to Wichita, Sedgwick County, Kansas, said point being 58.78 feet bearing N 01° 01' 02" W from the northwest corner of Lot 17, Block 1, Summerfield; thence N 75° 51' 24" W, 230.55 feet along the north line of said Tallgrass Inn; thence S 14° 08' 36" W, 14.68 feet; thence S 88° 58' 58" W, 250.00 feet; thence N 46° 01' 02" W, 138.92 feet; thence S 43° 58' 58" W, 10.00 feet to the point of beginning; thence S 43° 58' 58" W, 223.76 feet; thence S 46° 01' 02" E, 280.82 feet; thence N 43° 58' 58" E, 20.00 feet; thence N 46° 01' 02" W, 233.82 feet; thence N 43° 58' 58" E, 10.00 feet; thence N 46° 01' 02" W, 10.00 feet; thence S 43° 58' 58" W, 10.00 feet; thence N 46° 01' 02" W, 17.00 feet; thence N 43° 58' 58" E, 203.76 feet; thence N 46° 01' 02" W, 20.00 feet to the point of beginning.

FEB 27 1987

NO. 8 65448
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

AND ALSO:

That portion of a 20.00 foot utility easement platted in Lot 1, Block 1, Tallgrass Inn, an Addition to Wichita, Sedgwick County, Kansas, described as follows:

Commencing at a point on the west line of Summerfield, an Addition to Wichita, Sedgwick County, Kansas, and the east line of Tallgrass Inn, an Addition to Wichita, Sedgwick County, Kansas, said point being 58.78 feet bearing N 01° 01' 02" W from the northwest corner of Lot 17, Block 1, Summerfield; thence N 75° 51' 24" W, 230.55 feet along the north line of said Tallgrass Inn, thence S 14° 08' 36" W, 14.68 feet; thence S 88° 58' 58" W, 35.00 feet; thence S 01° 01' 02" E, 125.00 feet; thence S 88° 58' 58" W, 245.00 feet; thence N 55° 01' 02" W, 10.00 feet to the point of beginning, said point also being the centerline of a 20.00 foot utility easement; thence N 55° 01' 02" W, 105.00 feet to the point of termination. (V-1435)

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 JAN 15 & 22, 1987.

2. No private rights will be injured or endangered by the vacation of the above-described utility 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.

6.00

City Clerk

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 easements described herein should be approved.

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

ATTEST:

Dale E. Rea
Dale Rea, Deputy City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director of Law

A tract of land in the southwest quarter of Section 2 east of the 6th P.M., more or less.

Beginning at a point on the west line of Sedgwick County, Kansas, said point being the west corner of Reserve B of said addition, thence westerly bearing S 89° 06' 26" W, N 1° 01' 02" W, from the south quarter of Section 2, thence S 88° 58' 58" W, 436.59 feet; thence radius of 50.00 feet, a central angle of 45° 03' 51", a long chord of 12.84 feet and a long chord of 12.80 feet; thence N 46° 01' 02" W, 410.16 feet; thence point on the east right of way line of being on a curve to the left having an angle of 45° 03' 51", a long chord of 12.84 feet and a long chord of 12.80 feet; thence along said curve 39.33 feet; thence N 43° 58' 58" E, 407.13 feet; thence S 1° 01' 02" E, 29.35 feet; thence S 14° 08' 36" W, 213.00 feet; thence S 1° 01' 02" E, 134.26 feet; thence S 1° 01' 02" E, 24.11 feet to 10.04 acres, more or less. Portions of the land in the southwest quarter of Section 2, Sedgwick County, Kansas, and 606, page 877, is being vacated and

I hereby certify that the details on my knowledge and belief this 22

Kenneth H. Bengtson, P.E.
Mid-Kansas Engineering Consultants, P.C.
240 North Rock Road, Suite 130
Wichita, Kansas 67206

Know all men by these presents, of the land as above set forth in the same to be surveyed and platted into as "Tallgrass Inn", an addition to the land for construction and maintenance indicated on the accompanying plat as shall be in accordance with the Tallgrass file in the Wichita, Sedgwick County Office.

Tallgrass Company, a partnership

By: E.D. Ritchie
E.D. RITCHIE, PARTNER

Tallgrass Club, a partnership

By: E.D. Ritchie
E.D. RITCHIE, PARTNER

STATE OF KANSAS
COUNTY OF SEDGWICK

Be it remembered that on this 22nd day of June, 1988, before me, a Notary Public in and for the State of Kansas, Tallgrass Company, a partnership; Tallgrass Club, a partnership, by their partners, to me personally known to be the partners of the foregoing instrument of writing on behalf of the Tallgrass Company and Tallgrass Club, acknowledged the execution of the same and hereunto set my hand and affixed my seal.

