

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 7, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1631 - REQUEST TO VACATE A PORTION OF A
PLATTED SANITARY SEWER EASEMENT, LOCATED IN AN AREA WEST OF
ROCK ROAD AND SOUTH OF 13TH STREET ON RUTLAND
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Staff recommends that the vacation of a
platted sanitary sewer easement be denied.

MAPC Recommendation: Approve vacation of platted sanitary sewer
easement. (unanimous)

Background: A recently constructed house has a roof overhang which
encroaches into a platted sanitary sewer easement. The applicant
desires the vacation of the area of encroachment so as to clear title
to the property. The Public Works and Water Departments have
expressed strong reservations with this vacation case (See attached
MAPC Minutes 8/31/89). Staff recommends that the vacation case be
denied and the applicant submit a hold harmless agreement with the
City. The vacation request has been reviewed and approved by the
Planning Commission, subject to conditions. The applicant has
submitted a contingent utility easement, as required by the Planning
Commission, for the vacated area to go into effect should the house
ever be removed.

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

Recommendations/Action:

1. Close public hearing, approve vacation;
authorize the Mayor to sign the Vacation
Order; and record certified copy of
Order and contingent utility easement,
recording costs to be billed to:
150029-2909; or
2. Close public hearing and deny the
vacation.

This NOV 7 1989

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MICROFILMED
OF RECORD

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED SANITARY SEWER)
EASEMENT.)
)
GENERALLY LOCATED WEST OF ROCK ROAD AND)
SOUTH OF 13TH STREET ON RUTLAND (V-1631).)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 7th day of November, 1989, comes on for hearing the petition for vacation filed by Kim D. Hahn and Renee F. Hahn, praying for the vacation of the following described platted sanitary sewer easement, to-wit:

Northeasterly 1.5 ft. of the southwesterly 7.5 ft.
of the southeasterly 49.2 ft. of northwesterly
79.2 ft. of Lot 29, Block 3, Fairfield Estates
Addition to Wichita, Sedgwick County, Kansas.

The City Council, 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 10/25 & 11/1, 1989.
2. No private rights will be injured or endangered by the vacation of the above-described sanitary sewer 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 sanitary sewer easement described herein should be approved.

8.00 k city clerk

Vacation Order
V-1631
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November, 1989, ordered that the above-described sanitary sewer 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.

Bob Knight

Bob Knight, Mayor

ATTEST:

Pat Burnett

Pat Burnett, Deputy City Clerk

Approved as to Form:

Thomas Powell

Thomas Powell, Director of Law

State of Kansas }
Sedgwick County) ss
City of Wichita)
I, *Cheryl Holladay*, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this September 10, 1990.
Cheryl Holladay Deputy City Clerk

STATE OF KANSAS }
SEDCWICK COUNTY } SS
FILED FOR RECORD AT
8:00 A M

SEP 10 90 1092407

PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

REQUEST FOR VACATION OF EASEMENT
LEGALLY DESCRIBED AS:
NORTH EASTERLY 1.5 FT OF THE SOUTH WESTERLY
7.5 FT OF THE SOUTH EASTERLY 49.2 FT OF THE
NORTH WESTERLY 79.2 FT OF LOT 29, BLOCK 3
FAIRFIELD ESTATES ADDITION TO WICHITA, SEDG. CO., KS

RUTLAND

80.5'

15' ESMT

25' BLD SETBK 30'

LINE OF ROOF OVERHANG ABOVE

118' 11"

66.8'

46'

118'

7.5' ESMT

39'

15' ESMT

80.5'

5' ESMT

115°

north

1"=20'

 $1''=20'$