

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 3, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1740 - REQUEST TO VACATE EASEMENTS GRANTED
BY SEPARATE INSTRUMENT LOCATED IN AN AREA WEST OF ROCK ROAD
AND NORTH OF POLO.
(District #2)

INITIATED BY: Metropolitan Area Planning Department *AK*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of easements.

MAPC Recommendation: Approve vacation of easements. (unanimous)

Background: This site was originally being planned for an apartment development. Easements for utilities, drainage and sanitary sewer were subsequently granted by separate instrument to serve the expected apartment layout. The property owner has, however, altered the plans for this site and these easements are no longer needed. City Engineering and the Utilities have confirmed that the easements will not be needed. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify 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:

150029-2909



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

IN THE MATTER OF THE VACATION OF
UTILITY, DRAINAGE AND SANITARY SEWER
EASEMENTS GRANTED BY SEPARATE INSTRUMENT.

GENERALLY LOCATED WEST OF ROCK ROAD AND
NORTH OF POLO. (V-1740)

MORE FULLY DESCRIBED BELOW

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 DEC 3 1991
Pat Burnett Deputy City Clerk

VACATION ORDER

NOW on this 3rd day of December, 1991, comes on for hearing
the petition for vacation filed by Gary Wiley for Fairfield Partners,
praying for the vacation of the following described easements, to-wit:

Drainage Easements

That part of the drainage easement, Exhibit "A"
(Line 1), as recorded on Film 1093, Page 1071;

The drainage easement, Exhibit "D" (Line 4), as
recorded on Film 1093, Page 1074;

The drainage easement, Exhibit "E" (Stub of Line
4), as recorded on Film 1093, Page 1075;

All within the west 440 feet of Lot 2, Block 1,
Fairfield Estates, Wichita, Sedgwick County,
Kansas.

Utility Easements

That part of the utility easement, Exhibit "A"
(Line No. 1), as recorded on Film 1093, Page 1078
and 1079;

The utility easement, Exhibit "B" (Line No. 2), as
recorded on Film 1093, Page 1080;

The utility easement, Exhibit "C" (Line No. 2), as
recorded on Film 1093, Page 1081;

All within the west 440 feet of Lot 2, Block 1,
Fairfield Estates, Wichita, Sedgwick County,
Kansas.

COPY

Vacation Order
V-1740

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Sanitary Sewer Easements

The sanitary sewer easements, Exhibit "A" (Line No. 1), as recorded on Film 1093, Page 1089;

The sanitary sewer easement, Exhibit "B" (Line No. 2), as recorded on Film 1093, Page 1090;

All within the west 440 feet of Lot 2, Block 1, Fairfield Estates, 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 Reporter of notice of this vacation proceeding for consecutive weeks on 11-19-91 + 11-26-91.

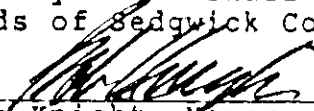
2. No private rights will be injured or endangered by the vacation of the above-described easements, and the public will suffer no loss or inconvenience thereby.

3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

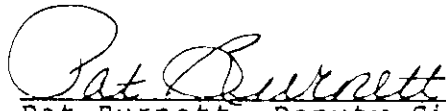
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the easements described herein should be approved.

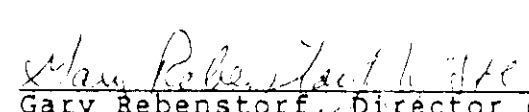
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 1991, ordered that the above-described easements is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

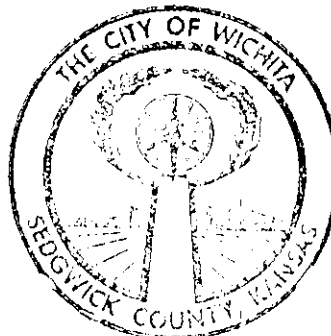

Bob Knight, Mayor BOB KNIGHT

ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:

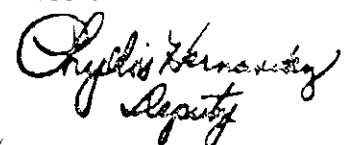

Gary Rebenstorf, Director of Law

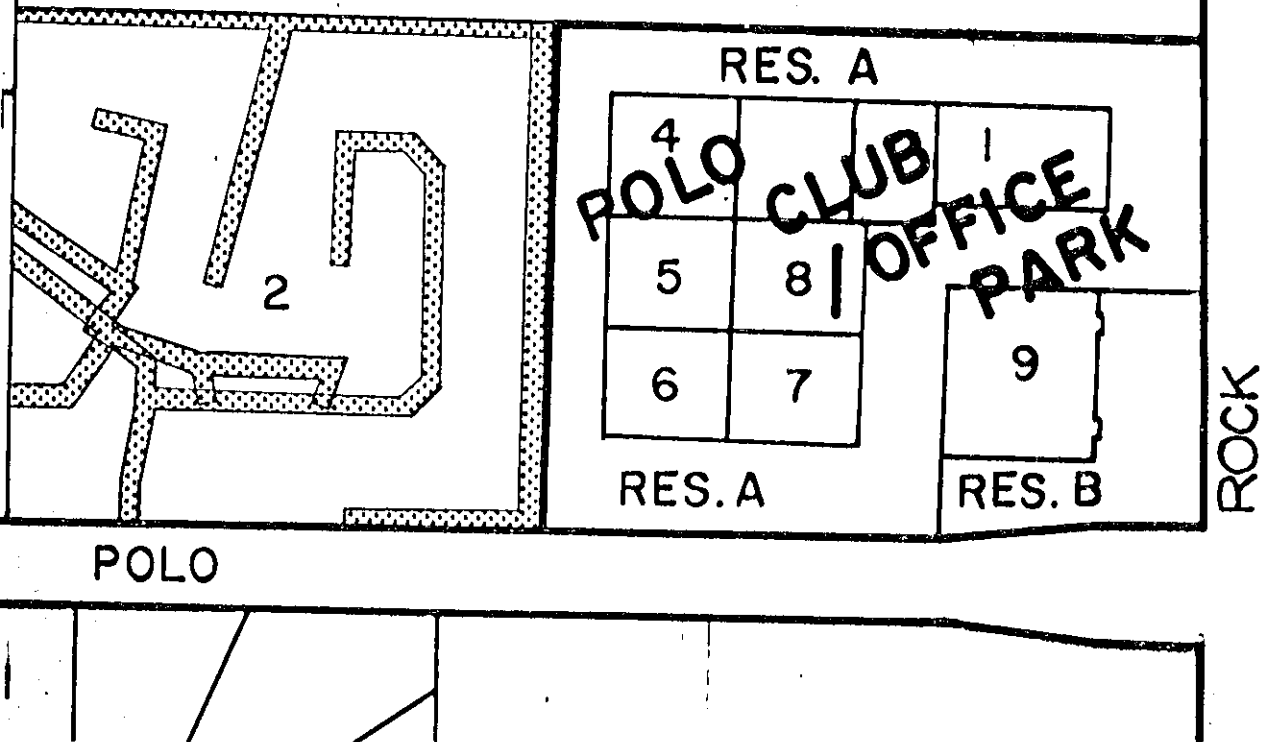


STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:15 P M

DEC 591 1175108

PAT KETTLER
REGISTER OF DEEDS


Cynthia Hernandez
Deputy



Application Filed 10/11/91
S/D Comm. Action 10/31/91
Approved
M.A.P.C. Action 11-7-91

W.C.C. Action 12-3-91
Approved
Bd. Co. Co. Action _____
Order to Vacate Recorded _____
December 5 1991