

City of Wichita
City Council Meeting
November 3, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1738 REQUEST TO VACATE SANITARY SEWER AND
WATER EASEMENTS LOCATED SOUTH OF DOUGLAS AND EAST OF ROCK
ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department *McKrent*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of easements.

MAPC Recommendation: Approve vacation of easements. (unanimous)

Background: A planned expansion of a business at the Towne East Shopping Center required the relocation of existing sanitary sewer and water lines. The vacation of the existing easements was approved by City Engineering and the Subdivision Committee subject to acceptable substitute easements and agreements being provided by the applicant and the subsequent relocation of the involved facilities. Other City Departments have handled the acceptance of the substitute easements and have indicated that the required relocations have been completed satisfactorily. 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 the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

Approved - Accepted By City Council

NOV 3 1992

This _____

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

IN THE MATTER OF THE VACATION OF A WATER-)
LINE AND SANITARY SEWER EASEMENT)

GENERALLY LOCATED AT TOWNE EAST SHOPPING)
CENTER AT DOUGLAS AND ROCK ROAD)

MORE FULLY DESCRIBED BELOW)

V-1738

VACATION ORDER

NOW on this 3rd day of November, 1992, comes on for hearing the petition for vacation filed by Towne East Joint Ventures, praying for the vacation of the following described easements, to-wit:

That part of the waterline easement as recorded on Film 186 at Page 631 and Film 270 at Page 982 more particularly described as a 10 foot easement 5 feet either side of a line described as commencing at the northeast corner of Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas, said also being the northwest corner of Lot 2, in said Addition; thence north 76 degrees 03'31" west, along the north line of said Lot 1, 92.74 feet; thence south 89 degrees 54'00" west, continuing along said north line, 510.29 feet; thence south 00 degrees 06'00" east, 448.42 feet to the point of beginning; thence north 90 degrees 00' west, 80.31 feet; thence south 00 degrees 00' west, 212.27 feet; thence north 90 degrees 00' west, 95.35 feet.

That part of the sanitary sewer easement as recorded on Film 183 at Page 1444 more particularly described as a 10 foot easement 5 feet either side of a line described as commencing at the northeast corner of Lot 1, Kellogg Mall Addition to Wichita, Sedgwick County, Kansas, said also being the northwest corner of Lot 2, in said addition; thence north 76 degrees 03'31" west, along the north line of said Lot 1, 92.74 feet; thence south 89 degrees 54'00" west, continuing along said north line, 708.73 feet; thence south 00 degrees 06'00" east, 670.16 feet to the point of beginning; thence north 89 degrees 53'47" east, 113.46 feet.

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 10/20/92 & 10/27/92.

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.

8.00 .k

City clerk

MICROFILMED
OF RECORD

Vacation Order
V-1738
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3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

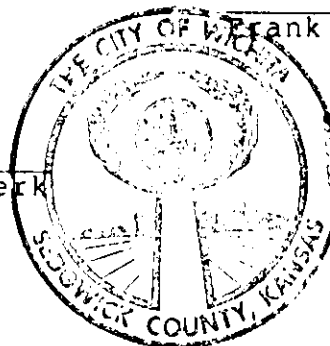
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of November, 1992, ordered that the above-described 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.

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



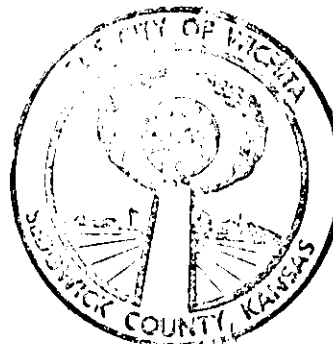
Frank M. Gille, Mayor
STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.
DEC 11 92 1255610
PAT KETTLER
REGISTER OF DEEDS

Approved as to Form:

Gary E. Rebenstorf 10/2
Gary Rebenstorf, Director of Law

Ed Reed
Deputy

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 NOV 3 1992
Pat Burnett Deputy City Clerk



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AVE.

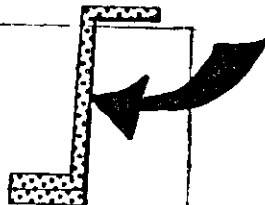
DOUGLAS

MALL

2

3

ROCK ROAD



I. Application Filed 10/3/91
 S/D Comm. Action 10/31/91
Approved
 M.A.P.C. Action 11-7-91
Approved

W.C.C. Action 11-3-92
Approved
 Bd. Co. Co. Action 1
 Order to Vacate Recorded
December 10, 1992