

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 19, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1833; Request to vacate utility easement, generally located east of Rock and south of 37th Street North. (District # 2).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of utility easements granted by separate instrument rather than being platted. The easements were utilized for the provision of a water line to serve this single, large lot. This case will permit applicant to abandon a portion of the existing easement and waterline, with the effect of shortening the distance from the new structure to the water main. Staff and MAPC have recommended approval because availability of water to this site should be unaffected, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS:

Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the 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)
THAT PORTION OF UTILITY EASEMENT)

GENERALLY LOCATED SOUTH OF)
37TH STREET NORTH AND EAST OF)
ROCK ROAD)

MORE FULLY DESCRIBED BELOW)

MAPD CASE NO. V-1833

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 19th day of October, 1993, comes on for hearing the petition for vacation filed by Keith Anderson praying for the vacation of the following described portion of utility easement, to-wit:

A tract of land lying in Lot 1, Block 5, STONEHEDGE, an addition to Wichita, Sedgwick County, Kansas, said tract also lying within a portion of a 40-foot utility easement found on Film 787, Page 1211, more particularly described as follows:

Commencing at the Southwest corner of said Lot 1; thence N 89°07'21" E, 891.27 feet along the South line of said Lot 1; thence N 00°52'39" W, 248.70 feet to the point of beginning; thence N 45°52'39"W, 88.46 feet; thence N 89°07'21"E, 56.57 feet; thence S 45°52'39"E, 48.46 feet; thence S 44°07'21"W, 40.00 feet to the point of beginning. (V-1833).

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 10/4 & 11/93.

8.00
ck

City Clerk

Vacation Order
V-1833
Page 2 of 2

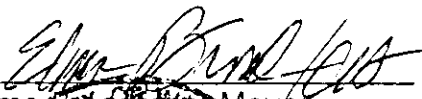
2. No private rights will be injured or endangered by the vacation of the above-described portion of utility easement, and the public will suffer no loss or inconvenience thereby.

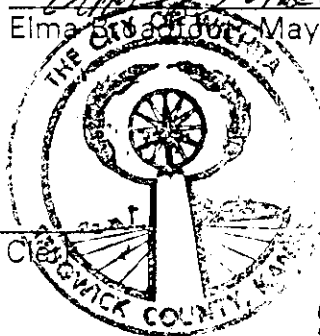
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 portion of utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October, 1993, ordered that the above-described portion of utility 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.


Elma B. Brown, Mayor

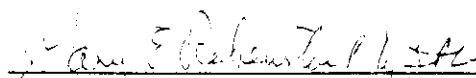


STATE OF KANSAS
DEED
8:00A
DEC 19 1993
PAT BURNETT
CLERK

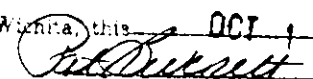
ATTEST:

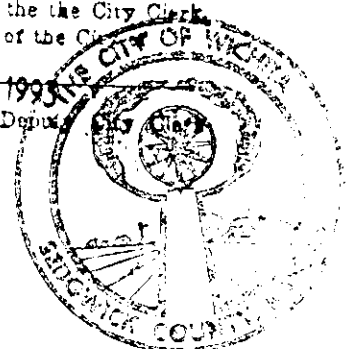

Pat Burnett, Deputy City Clerk

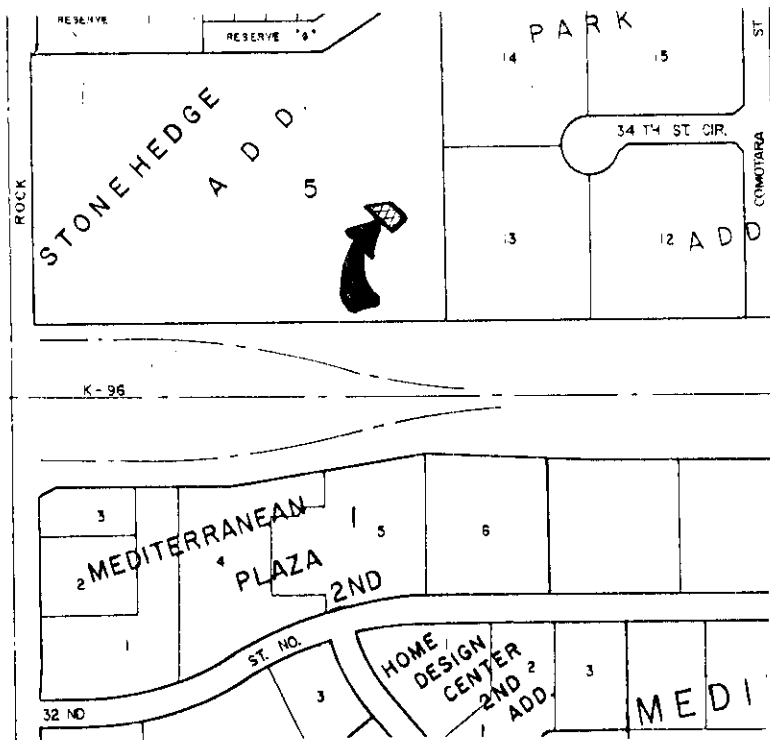
Approved as to Form:


Gary Rebenstorf, Director of Law

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 19 day of October, 1993.


Pat Burnett, Deputy City Clerk





Application Filed 8/13/93
S/D Comm. Action 9/2/93

W.C.C. Action 10-19-93 *Approved*

Approved
M.A.P.C. Action: 9/9/93

Bd. Co. Co. Action

Approved

Order to Vacate Recorded

December 13, 1993