

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 30, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1876 REQUEST TO VACATE UTILITY USES IN
A RESERVE NORTH OF 37TH STREET NORTH AND EAST OF ROCK
ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility uses in a Reserve.

MAPC Recommendation: Approve vacation of utility uses in a Reserve. (11-1)

Background: When the Willowbend Additions were platted, Reserves were created for the areas involved in the Golf Course's development. However, the text on the plats did not clearly establish in most cases (Reserve areas), that structures of any type would be allowed. Further, blanket type utility easements were designated for many of the Reserves and no building setbacks were established for Reserve areas along public streets. This vacation is being submitted to eliminate the "utility use" in a specific area to allow for a structure to be built, to establish an acceptable building setback for any such structure, and to inform abutting homeowners of the proposed development. A similar vacation (V-1862) was recently completed for an area to the west of this site. 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/Actions:

Close the public hearing, approve the vacation;
authorize the Mayor to sign the Vacation Order; and
record the certified copy of the Vacation Order;
recording costs to be billed to:

150029-2909

Approved / Accepted By City Council
This AUG 30 1994

LM 480 PAGE 0818

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

IN THE MATTER OF THE VACATION OF
UTILITY USES IN A RESERVE

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

MORE FULLY DESCRIBED BELOW



Case No. V-1876

STATE OF KANSAS { ss
SEDGWICK COUNTY {
FILED FOR RECORD AT
1:00 P M

OCT 5 1994

NO. 1413505
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

*Ed Reed
Deputy*

NOW on this 30TH day of August, 1994, comes on for hearing the petition for vacation filed by Greg Allison, P.E., Agent for Willowbend Golf Club, praying for the vacation of the following described utility uses in a Reserve, to-wit:

Those utility uses associated with the following described tract:

A tract of land lying in Reserve A, WILLOWBEND SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of Lot 82, Block 3, of said addition; thence N 53°49'30"W, 143.30 feet to the point of beginning; thence S 81°38'02" W 54.38 feet; thence N 02°31'43" W, 49.32 feet; thence N 84°16'31" E 43.21 feet; thence S 14°52'10" E 47.48 feet to the point of beginning.

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 8/19/94 + 8/26/94.
2. No private rights will be injured or endangered by the vacation of the above-described utility uses in a Reserve, 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.

MICROFILMED
OF RECORD

300

City Clerk

Vacation Order
V - 1876

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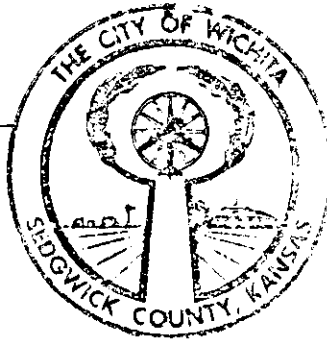
5. The vacation of the utility uses in a Reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of August, 1994, ordered that the above-described utility uses in a Reserve 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.

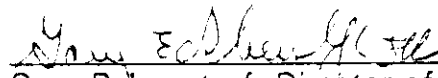

Elma Broadfoot, Mayor

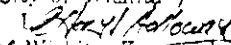
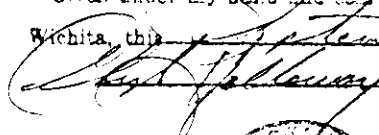
ATTEST:


Pat Burnett, Deputy City Clerk



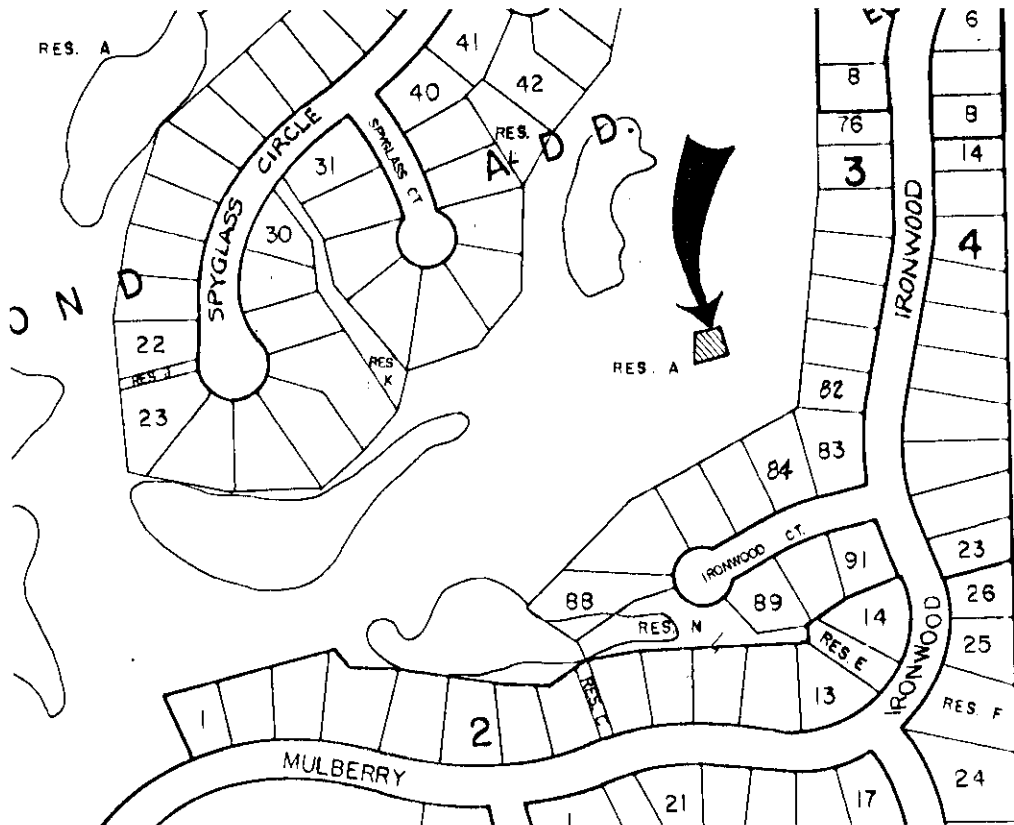
Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I,  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 1, 1994
 Deputy City Clerk



Sketch.



Application Filed 6/6/94

S/D Comm. Action 6/23/94

7/26/94 - A/P

M.A.P.C. Action 7-28/94

W.C.C. Action

8-30-94 Approved

Bd. Co. Co. Action

Order to Vacate Recorded

October 5, 1994