

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 6, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1942 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA NORTH OF PAWNEE AND WEST OF
SENECA
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant desires to vacate a north-south and an east-west utility easement in order to efficiently develop a building site composed of two lots. The applicant has complied with the City Engineering requirement that a temporary sewer easement be provided as well as a permanent easement to accommodate the utility needs of the proposed development. The applicant has also provided a restrictive covenant which ties together the platted property under the applicant's ownership which is not located directly adjacent to a public sewer line due to this vacation. This covenant is binding on any future owners, noting that the property (lot) can not be sold separately unless adequate sewer service is available. 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: Accept the utility easements, close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order, Easements and Restrictive Covenant; recording costs to be billed to: 150029-2909

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

IN THE MATTER OF THE VACATION OF	)	
UTILITY EASEMENT	)	
	)	
GENERALLY LOCATED	)	Case No. V-1942
NORTH OF PAWNEE AND	)	
WEST OF SENECA	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 6th day of February, 1996, comes on for hearing the petition for vacation filed by Rental Exchange System, Inc., praying for the vacation of the following described utility easement, to-wit:

Beginning at the southeast corner of Lot 1, Block A, Simon Addition to Wichita, Sedgwick County, Kansas; thence north 12 feet; thence west 175 feet; thence north 72 feet to a point 18 feet south of the north line of said Lot 1; thence west 16 feet; thence south 72 feet to a point 12 feet north of the south line of said Lot 1; thence west 58 feet to a point on the west line of said Lot 1; thence south 12 feet to the southwest corner of said Lot 1; thence east 249 feet to the point of beginning.

and

Beginning at the southeast corner of Lot 2, block A, Simon Addition to Wichita, Sedgwick County, Kansas; thence north 12 feet; thence west 20 feet; thence south 12 feet; thence east 20 feet to the point of beginning.

and

Beginning at the northeast corner of Lot 1, Redburn Addition to Wichita, Sedgwick County, Kansas; thence S89°39'W, 349 feet to the northwest corner thereof, thence S00°00'W, 10 feet; thence N89°39'E, 156 feet; thence S00°00'W, 92 feet to a point on the south line of said Lot 1; thence N89°39'E, 20 feet; thence N00°00'E, 92 feet to a point 10 feet south of the north line of said Lot 1; thence N89°39"E, 173 feet to a point on the east line of said Lot 1; thence N00°00'E, 10 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 _____.

2. No private rights will be injured or endangered by the vacation of the above-described 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 utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of February, 1996, ordered that the above-described 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.

Bob Knight, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

LOT 2

NW Cor. Lot 1

Construct Std. shallow
Manhole over existing
pipe north. Plug pipe
Top elev. 103.50; 4"
Remove pavement as
necessary. Do not re

LOT 1

10' UTILITY EASEMENT
TO BE VACATED
Proposed building

98.99'
12' UTILITY EASEMENT
TO BE VACATED

Asphalt
pavement

PERMANENT
20' X 18' Utility E
EASEMENT

Existing 8" VCP to

L.F.
er

ENT

Chain

Construct
manhole
3

20' TEMPORARY
SEWER EASEMENT

Asphalt
pavement

Remove existing manhole

3'0"
3'0"
3'0"

BUILDING

ADDITION

REDBURN
ADDITION

12' UTILITY EASEMENT
TO BE VACATED
10' UTILITY EASEMENT
TO BE VACATED
SIMON LOT 1
ADDITION

ROMAULDO
ADDITION

NE corner Lot 1
Simon Addition

1/2" Iron

102.27'

98.99'

1/2" Iron

50'

SENECA