

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 15, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-1940 VACATE A PORTION OF A UTILITY EASEMENT LOCATED IN
AN AREA SOUTH OF CENTRAL AND WEST OF 159TH STREET EAST.
(District outside City of Wichita)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant desires to vacate a portion of a utility easement in order to construct a screening wall. The applicant has provided a substitute easement to serve the site. Both County Engineering and the utility representatives of the Subdivision indicated that no facilities are located in the easements and a substitute easement could serve the site. The substitute easement has been provided to County Engineering for acceptance and processing. Therefore, the easement may be vacated so as to allow the applicant to construct a screening wall. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Actions: Approve the vacation request.

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT

9:00 A.M.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

1580641 3225

LARRY CONSOLVER
REGISTER OF DEEDS

Quinn Spakeimer
Deputy

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)

GENERALLY LOCATED)
SOUTH OF CENTRAL AND WEST)
OF 159TH STREET EAST)

MAPD CASE NO. V-1940



VACATION ORDER

NOW on this 23rd day of October, 1996, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

See Attachment A.

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county newspaper, the first such publication having occurred on October 2, 1996; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County

10.00
ck

City Clerk

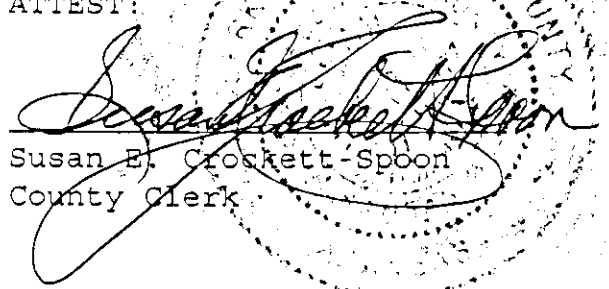
150029- 2909
\$10.00

Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

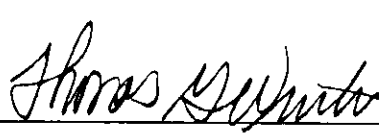
The Board further finds that on the 12th day of December, 1995, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 15th day of October, 1996, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

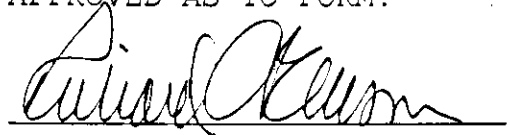
ATTEST:


Susan E. Crockett-Spoon
County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


Thomas G. Winters, Chairman

APPROVED AS TO FORM:


Richard A. Euson
Assistant County Counselor

ATTACHMENT A

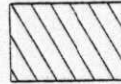
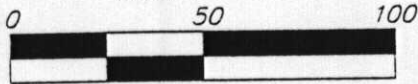
Beginning at the NE corner of Lot 26, Block 1, Belle Terre Third Addition, Sedgwick County, Kansas; thence S06°51'35"W along the east line of said Lot 26, 136.87 feet; thence S83°08'25"E, 2.30 feet; thence S06°51'35"W parallel with the east line of said Lot 26, 10.38 feet to a point on the lot line common to said Lot 26 and Lot 25 in said Block 1 as extended southeasterly; thence S56°03'41"E along said extended lot line, 8.56 feet to the east line of a 10 foot utility easement as platted in Reserve "I" in said Belle Terre Third Addition; thence N06°51'35"E along said easement line, 152.39 feet to a point on the south line of Reserve "F" in said Belle Terre Third Addition; thence N89°59'54"W along the south line of said Reserve "F", 10.07 feet to the point of beginning.

EXHIBIT

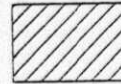
COPY



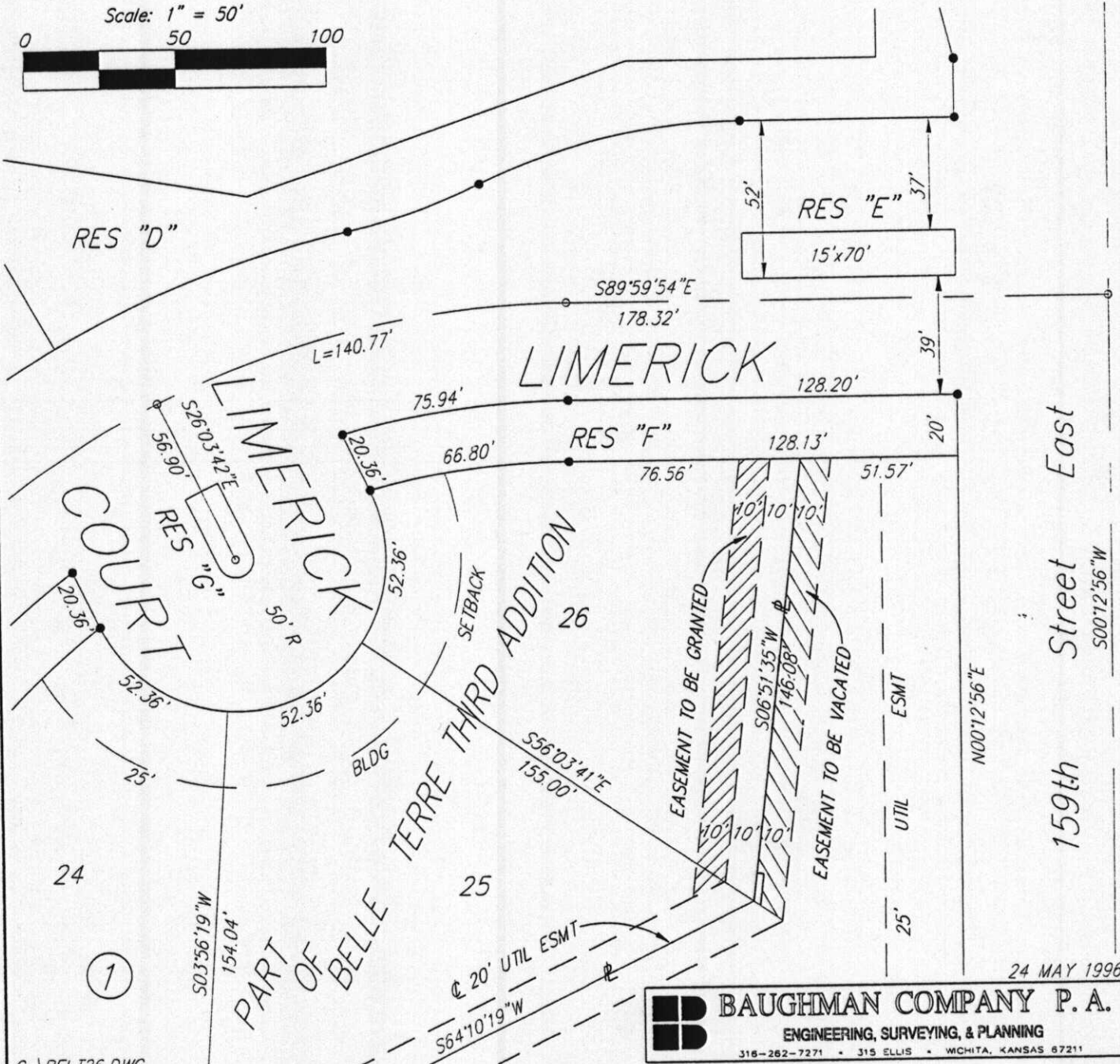
Scale: 1" = 50'



= EASEMENT TO BE VACATED



= EASEMENT TO BE GRANTED



24 MAY 1996



BAUGHMAN COMPANY P.A.

ENGINEERING, SURVEYING, & PLANNING

316-262-7271 • 315 ELLIS • WICHITA, KANSAS 67211