Planning Agenda #_____

City of Wichita
City Council Meeting
August 8, 1995

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1926 REQUEST TO VACATE A UTILITY EASEMENT SOUTH OF 45TH STREET NORTH AND EAST OF ROCK RD.
(District #2)

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: A small portion of a planned house would encroach a platted side yard utility easement. In order to properly position the planned house, the applicant is requesting to vacate the involved portion of utility easement. To offset the area being vacated, additional easement is being granted by separate instrument. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the vacation and substitute easement would be acceptable. 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 easement; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order, and utility easement recording costs to be billed to: 150029-2909

FILM 547 PAGE 051

Approved / Accepted By City Council
This AUG 8 1995

MICROFILMED
OF RECORD

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

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

IN THE MATTER OF THE VACATION OF A UTILITY EASEMENT)
)
GENERALLY LOCATED EAST OF ROCK ROAD AND SOUTH OF 45TH STREET NORTH) Case No. V-1926
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
3:00 PM
1473712 AUG 25 95
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 8th day of August, 1995, comes on for hearing the petition for vacation filed by John and Carolyn Bell and Leewood Homes, Inc., praying for the vacation of the following described utility easement, to-wit:

A tract of land lying in Lot 56, Block 3, WILLOWBEND SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at a point lying at the intersection of the 10 foot and 5 foot Utility Easements located within said Lot 56; thence N 85° 14' 21" W, 2.57 feet parallel and 10 foot North of the South line of said Lot 56; thence N 34° 14' 33" W, 17.64 feet parallel and 3 foot Easterly of the Westerly line of said Lot 56; thence S 89° 38' 30" W, 1.89 feet; thence N 00° 21' 32" W, 2.81 feet; thence N 34° 14' 33" W, 18.22 feet; thence N 00° 21' 34" W, 3.59 feet to a point lying 5 foot East of said Westerly line; thence S 34° 14' 32" E, 43.84 feet parallel and 5 foot East of said Westerly line 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 7-28-95 & 8-4-95.

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.

8.00 ck

City Clerks Office
455 N. Main - 12th Floor
Wichita, KS 67202

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 8th day of August, 1995, 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

THE CITY OF WICHITA SEDGWICK COUNTY KANSAS

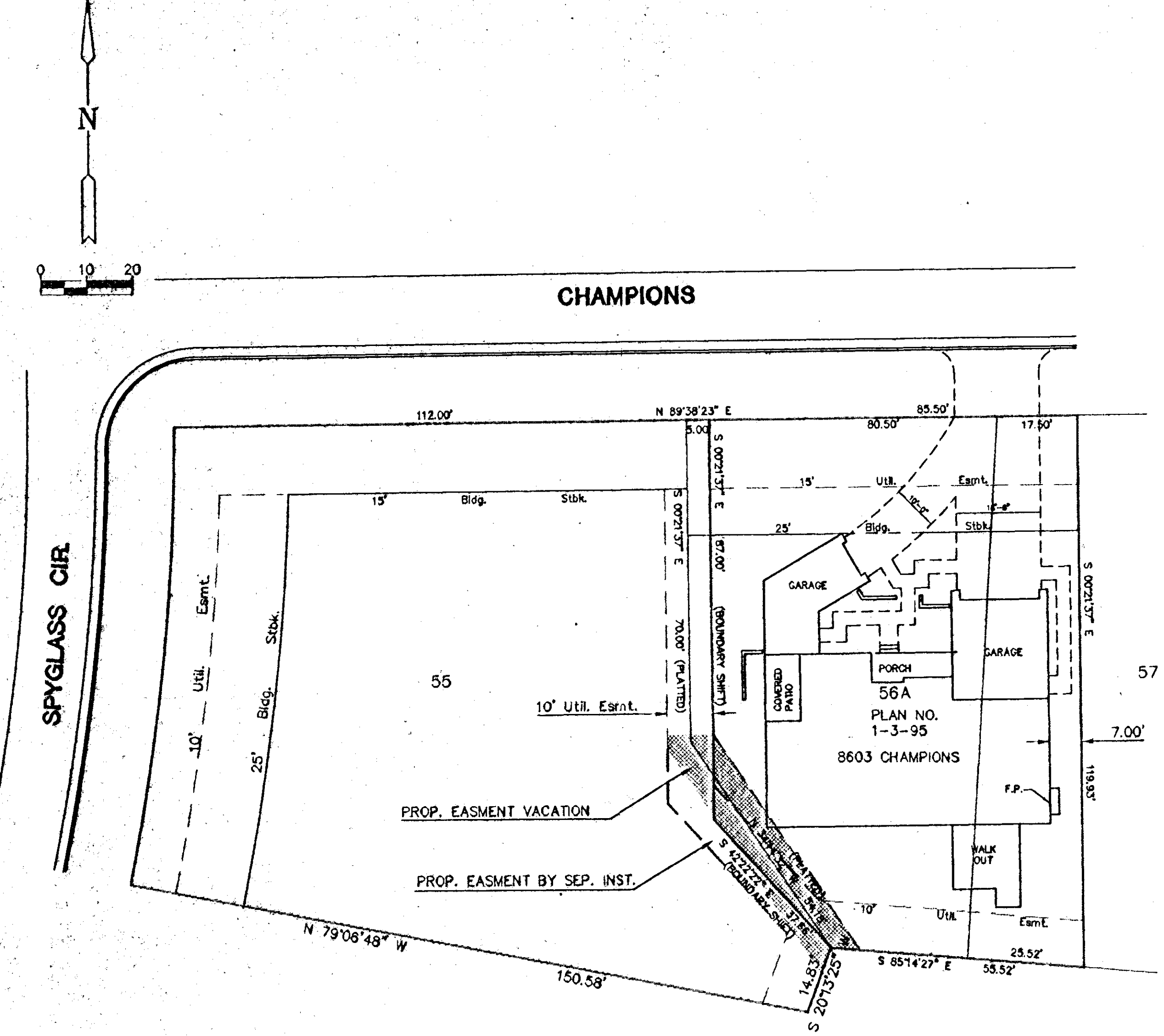
State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Tom Schneider, 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 the the City Clerk.

Given under my hand and seal of the City of Wichita, this August 9, 1995

Tom Schneider Deputy City Clerk

Tom Schneider



WILLOWBEND SECOND ADDITION
LOT 55A, BLOCK 3

WILLOWBEND SECOND ADDITION
LOT 56A, BLOCK 3 (REVISED 7/3/95)