

Planning Agenda # _____

City of Wichita
City Council Meeting
November 25, 1997

Agenda Report # _____

FILE COPY

TO: Mayor and City Council

SUBJECT: V-2054 REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT
LOCATED BETWEEN I-235 AND MACARTHUR ON THE EAST SIDE OF
WEST STREET IN SEDGWICK COUNTY
(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 owns the property to the south, which is developed as a Self-Storage facility, and proposes to expand that facility onto this property. At the time of the platting of Delgado Addition, a 10-foot utility easement was placed along the south property line in addition to the utility easements along the east property line. Now that the two adjoining lands will be under single ownership and a unified development the need for the 10-foot utility easement no longer exists.

No members of the public addressed the MAPC in opposition to this request.

Recommendations/Actions: Approve the vacation request.

STATE OF KANSAS
SEDGWICK COUNTY, KS
FILED FOR RECORD AT
4:30 P.M.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

1654027 8175

LARRY CONSOLVER
REGISTER OF DEEDS



IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
WEST STREET AND I-235

MICROFILMED
OF RECORD

MAPD CASE NO. V-2054

Michael D. Hult
Deputy

VACATION ORDER

NOW on this 17th day of December, 1997, 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:

South 10' of Lot one (1), of Delgado Addition to Sedgwick
County, Kansas.

WHEREUPON, it is shown that proper notice has been given by
publication once at least 20 days prior to the date of hearing in
the official county newspaper, such publication having occurred on
November 25, 1997; 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, and
amendments thereto.

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;

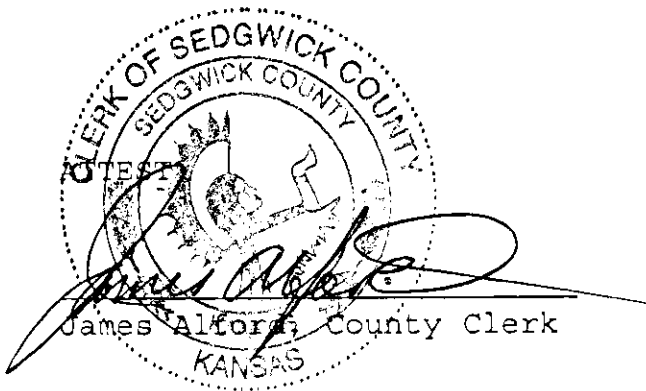
CDH

County Clerk

that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on the 6th day of November, 1997, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 25th day of November, 1997, 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.



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters, Chairman

APPROVED AS TO FORM:

Richard A. Euson
County Counselor

MICROFILMED
OF RECORD

FILE 1745 PAGE 0244

FILED FOR RECORD AT
4:30 P.M.

1654028 8175

LI-130-2

EASEMENT FOR RIGHT-OF-WAY

LARRY CONSOLE 594-34
REGISTER OF DEEDS

THIS EASEMENT FOR RIGHT-OF-WAY, executed and delivered to the Board of County Commissioners of Sedgwick County, Kansas (hereinafter, "County") by Russell A. Jackson and Cindy L. Jackson, husband and wife (hereinafter, "Owner").

WITNESSETH:

That for and in consideration of the sum of One Dollar \$***1.00*** and other good and valuable consideration, the receipt of which is hereby acknowledged, Owner hereby grants, bargains, sells and conveys to County a permanent easement in, over, across and upon the following-described premises, to wit:

A tract of land located in the Northeast Quarter of Section 22, Township 25 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

The North 60 feet of a tract being described as commencing at the Northwest corner of said Northeast Quarter; thence N 90°00'00" E along the North line of said Northeast Quarter, 804.32 feet to the Point of Beginning; thence S 04°24'53" W, 408.63 feet; thence S 87°16'32" W, 359.321 feet; thence S 00°00'00" E, 248.90 feet; thence N 90°00'00" E, 646.87 feet; thence N 00°00'00" E, 673.40 feet to the North line of said Northeast Quarter; thence N 90°00'00" W, 256.50 feet to the point of beginning.

for the purposes of constructing, reconstructing, widening, improving, draining and maintaining a road or highway.

OWNER(S)

Russell A. Jackson
Russell A. Jackson

Cindy L. Jackson
Cindy L. Jackson

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss:

Richard D. [Signature]
Deputy

This instrument was acknowledged before me on 11-7-97, by
Russell A. Jackson and Cindy L. Jackson

(Seal)



Miriam L. Brown
Notary Public
My appointment expires: 3-24-2001

ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS 3RD DAY OF December, 1997

RECOMMENDED:

David C. Spears
DAVID C. SPEARS, P.E., DIRECTOR,
BUREAU OF PUBLIC SERVICES/COUNTY ENGINEER

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Thomas G. Winters
THOMAS G. WINTERS, CHAIRMAN

APPROVED AS TO FORM:

Michael D. Pepon
MICHAEL D. PEPOON, ASSISTANT
COUNTY COUNSELOR

ATTEST:

James Alford
JAMES ALFORD, COUNTY CLERK

CDH

County Clerk

ORIGINAL

CARMICHAEL

A

ADD.

2

TRIMMELL
ADD.

1

DELGADO
ADD. 1

WICKHAM A
ADD.

WEST