Planning Agenda #_____

City of Wichita
City Council Meeting
December 9, 1997

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2032 REQUEST TO VACATE MAINTENANCE ACCESS EASEMENT LOCATED ON THE CORNER OF 37TH STREET NORTH AND OHIO.
(District #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of maintenance access easement.

MAPC Recommendation: Approve vacation of maintenance access easement. (unanimous)

Background: This vacation petition involves a platted maintenance and access easement in the Bridgeport 3rd Industrial Addition near 37th Street North and Ohio Street. Due to an expansion of storage tanks by the existing business on the property, Home Oil Company, Inc., the maintenance and access easement needs to be removed. It is no longer needed because of the present use of the property.

The Subdivision Committee and MAPC both approved the vacation conditioned upon providing substitute easements for the utilities in the area. The substitute easements have been submitted. No members of the public addressed the MAPC in opposition to this request.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the dedication of the substitute Utility Easements; authorize the Mayor to sign the Easements; and record both the certified copy of the Vacation Order and the Utility Easements; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

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

IN THE MATTER OF THE VACATION OF MAINTENANCE ACCESS EASEMENT	)	
GENERALLY LOCATED ON THE CORNER OF 37TH STREET NORTH AND OHIO	)	Case No. V-2032
MORE FULLY DESCRIBED BELOW	)	

STATE OF KANSAS, SEDGWICK COUNTY } SS
JAN 29 10 43 AM '98
REGISTER OF DEEDS
LARRY CONSOLVER
S Chatterson
Deputy

REGISTER OF DEEDS KANSAS

VACATION ORDER

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Tom Olsen, praying for the vacation of the following described maintenance access easement, to-wit:

A 15' wide maintenance and access easement described as: Commencing at the southeast corner of Lot 2, Block 1, Bridgeport 3rd Addition, Wichita, Sedgwick County, Kansas; to a beginning point 100' North 0°29'58" West, to a point 365' North 89°45'13" West, to a point 444.34' North 0°29'58" West, to a point 15' North 89°37' East, to a point 429.34' South 0°29'58" East, to a point 350' South 89°45'13" East, to the point of beginning 15' South 0°29 29'58" East;
also a 15' wide maintenance and access easement described as
commencing 801.06 feet south of the northeast corner of Lot 2, Block 1, Bridgeport 3rd Addition, Wichita, Sedgwick County, Kansas; to a beginning point 350.02' North 89°37' West, to a point 15' North 89°37' West, to a point 666.06' North 0°29'58" West, then a 50' radius to a point to the northeast with a 70.8' chord North 44°29'58" East, to a point 300.02' South 89°37' East, to a point 15' South 0°29'58" East, to a point 300.02' North 89°37' West, then a 35' radius to a point to the southwest with a 49.56' chord South 44°29'58" West, to the point of beginning 666.06' South 0°29'58" East.

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 one time on 11-18-97, which was at least 20 days prior to the date set for public hearing thereon.

2. No private rights will be injured or endangered by the vacation of the above-described maintenance access easement, and the public will suffer no loss or inconvenience thereby.

3.00 CK

City Clerk

8.00

150029

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 maintenance access easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, ordered that the above-described maintenance access 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, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

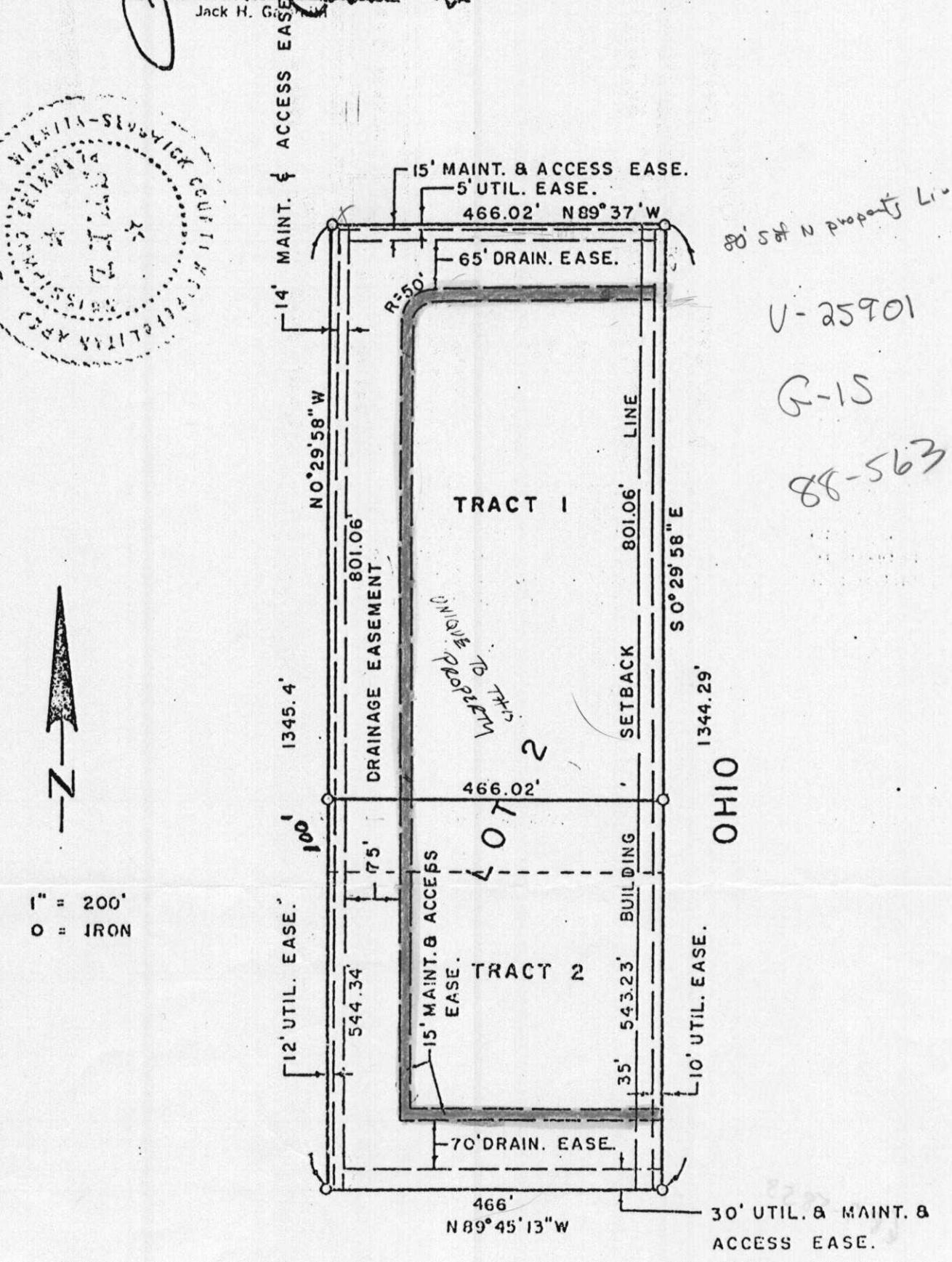
State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett 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 my office.

Given under my hand and seal of the City of Wichita, this DEC 9 1997

Pat Burnett City Clerk

Jack H. Ga[illegible]



14' MAINT. & ACCESS EASE
15' MAINT. & ACCESS EASE.
5' UTIL. EASE.
466.02' N89°37'W
65' DRAIN. EASE.
R=50'
N0°29'58"W
801.06'
DRAINAGE EASEMENT
1345.4'
TRACT 1
801.06' LINE
S0°29'58"E
SETBACK
1344.29'
UNIQUE TO THIS PROPERTY
LOT 2
466.02'
OHIO
100'
75'
15' MAINT. & ACCESS EASE.
BUILDING
TRACT 2
12' UTIL. EASE.
544.34'
543.23'
35'
10' UTIL. EASE.
70' DRAIN. EASE.
466'
N89°45'13"W
30' UTIL. & MAINT. & ACCESS EASE.
N
1" = 200'
O = IRON
80' S of N property Li
U-25901
G-15
88-563