

Planning Agenda # _____

City of Wichita
City Council Meeting
September 12, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2155 - REQUEST TO VACATE A PORTION OF A UTILITY
EASEMENT LOCATED IN AN AREA BETWEEN HILLSIDE AND
RANGE ROAD:**
(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. B. Smith

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant is requesting to vacate a portion of a utility easement to only cover that part necessary to protect existing and planned utility lines. Wassall Avenue between Hillside and Range Road was vacated in 1986 (V-1388). However, the entire vacated Wassall Avenue was retained as a utility easement. The applicant wants to only retain a portion of this vacated right-of-way as a utility easement.

No one spoke in opposition to this request at the MAPC's hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant dedicating an additional 10-15 foot utility easement on Nelson's Hillside Park Addition; and a revised legal description shall be provided by the applicant which excludes all areas along the north portion of the vacated utility easement which covers the existing utility lines excluding service lines; and this vacation will not be forwarded for City council approval until such time as the sanitary sewer project is completed; and the applicant shall dedicate an additional five foot utility easement along the south vacated utility easement to cover existing KG&E and Southwestern Bell lines. No written protests have been filed.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and the Utility & Sewer Easements will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Def

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)

GENERALLY LOCATED)
BETWEEN HILLSIDE AND RANGE ROAD)

MORE FULLY DESCRIBED BELOW)

Case No. V-2155

RECEIVED

SEP 19 2000

METROPOLITAN PLANNING
ROUTE ☐
☒

VACATION ORDER

NOW on this 12th day of September, 2000, comes on for hearing the petition for vacation filed by Joyland Hillside Park Inc., c/o Stan Nelson, praying for the vacation of the following described utility easement , to-wit:

The North 10 feet and the South 20 feet of Wassall Street between Range Road and Hillside Avenue, as vacated by Order in Film 811, Page 801, AND that part described as Beginning at the Southeast corner of Lot 1, Block 14, "Replat of Part of Pawnee Ranch", Sedgwick County, Kansas; thence West on the South line of said Lot 1 with an assumed bearing of South 89°15'57 West, a distance of 78.98; thence South 38°54'41" West, a distance of 38.97 feet to the intersection with the South line of Wassall Street as vacated; thence East on said South line, to the intersection with the West line of said Lot 1 extended; thence North 30 feet to the Point of Beginning. EXCEPT those portions described as:

Parcel 1:

That part of the Southeast Quarter of Section 3, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, described as: Beginning at a point on the West line of Lot 1, "Nelson's Hillside Park", Wichita, Kansas, which is 30 feet South of the Northwest corner

thereof; thence West on the South line of Wassall Street, as vacated by Order in Film 811, Page 801, a distance of 836 feet; thence North 20 feet; thence East 26 feet; thence South 15 feet; thence East 810 feet, to the intersection with the West line of said Lot 1; thence North 5 feet to the Point of Beginning.

Parcel 2:

Commencing at the Southeast corner of Lot 1, Block 14, "Replat of Park of Pawnee Ranch", Sedgwick County, Kansas; thence with an assumed bearing of South $89^{\circ}14'57''$ West, on the South line of said Lot 1; a distance of 78.98 feet to the Point of Beginning; thence South $89^{\circ}14'57''$ West, a distance 38.97 feet; thence South $38^{\circ}54'41''$ West, a distance of 12.99 feet; thence North $89^{\circ}14'57''$ East, a distance of 38.97 feet; thence North $38^{\circ}54'41''$ East, a distance of 12.99 feet to the Point of Beginning.

Parcel 3:

Commencing at the Southwest corner of Reserve "C", "Second Replat of Part of Pawnee Ranch Addition", Sedgwick County, Kansas; thence with an assumed bearing of North $89^{\circ}14'57''$ East, on the South line of Reserve "C", a distance of 126.24 feet to the Point of Beginning; thence North $89^{\circ}14'57''$ East, a distance of 67.94 feet; thence South $64^{\circ}17'08''$ East, a distance of 22.44 feet; thence South $89^{\circ}14'57''$ West, a distance of 67.94 feet; thence North $64^{\circ}17'08''$ West, a distance of 22.44 feet to the Point of Beginning.

Parcel 4:

Beginning at the Southwest corner of Reserve "C" "Second Replat of Part of Pawnee Ranch", Sedgwick County, Kansas; thence East, on the South line of said Reserve "C", a distance of 18 feet; thence South 10 feet; thence West 26 feet; thence North 10 feet; thence East 8 feet to the Point of Beginning.

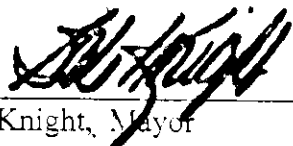
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter February 19, 1999, which was at least 20 days prior to the public hearing.

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.

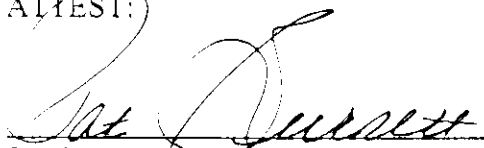
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of September 2000, 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

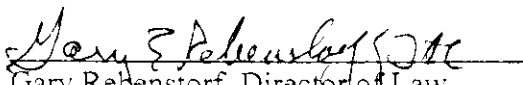
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

