

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1285 VACATION OF PERMANENT CONSTRUCTION EASEMENT GENERALLY LOCATED ON THE WEST SIDE OF SANTA FE BETWEEN 33RD STREET AND 34TH STREET NORTH

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk
- C. All proceedings being without cost to the County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Bayouth moved, Goebel seconded and it carried unanimously. Moore was not yet present. (9/6/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: A permanent construction easement over and upon Lots 31, 33, 35 and 37 in Block 16, Original Town to North Wichita Addition, described as follows:

Beginning at the Northeast corner of Lot 31, thence southwesterly to the Northwest corner of Lot 35, thence southerly, along the West line of lots 35 and 37, to a point 10.00 feet South of the Northwest corner of Lot 37, thence Northeasterly to a point on the East line of Lot 33, said point being 10.00 feet South of the Northeast corner thereof; thence Northerly, along the East line of Lots 33 and 31 to the point of beginning.

The above contains 4,833 square feet, more or less.

Obtained through condemnation case C-22052; Tract #15 (MAPC No. V-1285)

Applicant:	The Atchison, Topeka and Santa Fe Railway Company c/o Jack W. Kelly P. O. Box 1738 Topeka, Kansas 66628	NOTE: Bill recording costs to the City office of Industrial Development c/o Mr. Karl Kennedy
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Protestors: None before the Subdivision Committee on MAPC

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
A PERMANENT CONSTRUCTION EASEMENT)
)
GENERALLY LOCATED ON THE WEST SIDE)
OF SANTA FE BETWEEN 33RD STREET)
AND 34TH STREET NORTH)
)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
8:00 AM
NOV 1 1984
NO. 7 18139
BETTE F. McCART
REGISTER OF DEEDS

Pat Kettlers
Deputy

VACATION ORDER

NOW on this 16th day of October, 1984, comes on for hearing the petition for vacation filed by The Atchison, Topeka and Santa Fe Railway Company, praying for the vacation of the following described construction easement, to-wit:

A permanent construction easement over and upon Lots 31, 33, 35 and 37 in Block 16, Original Town to North Wichita Addition, described as follows:

Beginning at the Northeast corner of Lot 31, thence southwesterly to the Northwest corner of Lot 35, thence southerly, along the West line of lots 35 and 37, to a point 10.00 feet South of the Northwest corner of Lot 37, thence Northeasterly to a point on the East line of Lot 33, said point being 10.00 feet South of the Northeast corner thereof; thence Northerly, along the East line of Lots 33 and 31 to the point of beginning.

The above contains 4,833 square feet, more or less.

Obtained through condemnation case C-22052; Tract #15. (MAPC No. V-1285)

The City Commission, 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 Record of notice of this vacation proceedings for consecutive weeks on OCT 3 & 10, 1984.
2. No private rights will be injured or endangered by the vacation of the above-described construction easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner 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 construction easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 16th day of October, 1984, ordered that the above-described construction 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.

ATTEST:
Donald C. Gisick
Donald C. Gisick, City Clerk

Robert G. Knight
Robert G. Knight, Mayor

Approved as to Form:
John Dekker
John Dekker, Director of Law

City Clerk

5.00

ADD.

ADD.

HITA

42

41

46

45

THIRTY FOURTH ST.

2

1

2

1

EMPORIA

ST. FRANCIS

SAN ANGELO

36

33

34

35

25

27

29

31

32

35

37

PROPERTY

THIRTY THIRD

V-1029