

City of Wichita
City Council Meeting
May 12, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1448 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT AND THE UTILITY AND DRAINAGE EASEMENT USES FOR A PORTION OF TWO RESERVES, GENERALLY LOCATED SOUTH OF 13TH STREET NORTH, IN AN AREA EAST OF 119TH STREET WEST.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility and drainage easements.

Background: Inland Investment Company, Inc., Attn: Terry Smythe, 10300 W. Central, Wichita, KS 67212, is requesting this vacation in order to permit construction of a masonry wall. Those portions of the easements not being vacated are needed for utilities.

Analysis: The Planning Commission recommends the City Council find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. The applicant shall grant, by separate instrument, the substitute utility easement needed on Lots 3 and 4, Block 1;
5. The Traffic Engineer has advised that the proposed wall construction along Pine Grove must allow adequate site distance from the Pine Grove/Pine Grove Court intersection; and
6. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; accept utility easement; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and utility easement, recording costs to be billed to owner.

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

FILED 890 PAGE 1175

STATE OF KANSAS
SEDGWICK COUNTY

FILED FOR RECORD AT

8:00

MAY 19 1987

8 82500

NO.
PAT KETTLER
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF UTILITY AND
DRAINAGE EASEMENTS.

GENERALLY LOCATED SOUTH OF 13TH STREET NORTH,
IN AN AREA EAST OF 119TH STREET WEST. (V-1448)

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 12th day of May, 1987, comes on for hearing the petition for vacation filed by Inland Investment Company, praying for the vacation of the following described utility easement and blanket utility and drainage easement uses platted on portions of two reserves, to-wit:

Utility Easement

The north 3 feet of Lots 1 through 4, Block 1, and Lots 1 through 6, Block 2, Briarwood Estates 5th Addition, Wichita, Sedgwick County, Kansas

Utility and Drainage Easement uses
for a portion of two Reserves

MICROFILMED
OF RECORD

The blanket utility and drainage easement uses platted on the north 3 feet and the south 120 feet of Reserves F and G, Briarwood Estates 5th Addition, Wichita, Sedgwick County, Kansas. (V-1448)

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 Record of notice of this vacation proceeding for consecutive weeks on APR 24 & MAY 26, 1987.

2. No private rights will be injured or endangered by the vacation of the above-described utility and drainage easements, 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 the utility and drainage easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of May, 1987, ordered that the above-described utility and drainage easements are 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:

Dale E. Rea
Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director, of Law

PL/6426/5

city clerk

Robert G. Knight
ROBERT G. KNIGHT, Mayor

State of Kansas)
Sedgwick County)
City of Wichita)
I, DALE E. REA, 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 of the City Clerk. Given under my hand and seal of the City of Wichita, Kansas, MAY 14 1987.
Dale E. Rea
Deputy City Clerk

THIRTEENTH

