

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 14, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1580 - REQUEST TO VACATE A PLATTED UTILITY EASEMENT
LOCATED IN AN AREA WEST OF ROCK ROAD AND SOUTH OF 37TH STREET NORTH.
(District # 2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a utility easement.

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

Background: The applicant desires to increase the buildable area of this site for a proposed project. A sanitary sewer line that was within this easement, has been relocated. City Engineering and the Utility Advisory Subcommittee have indicated that no adverse affects should result from this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

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

300210-9024

Approved / Accepted By City Council

This FEB 14 1989

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

IN THE MATTER OF THE VACATION OF
PLATTED UTILITY EASEMENTS.

GENERALLY LOCATED WEST OF ROCK ROAD AND
SOUTH OF 37TH STREET NORTH (V-1580)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } ss
SEDCWICK COUNTY }
FILED FOR RECORD AT
12:30 PM

MAR 24 89 1000662

MICROFILMED
OF RECORD

VACATION ORDER

PAT KETTLER
REGISTER OF DEEDS

Ed R. Rasmussen
County Clerk

NOW on this 14th day of February, 1989, comes on for hearing the petition for vacation filed by Virginia L. Ablah, for Northrock Realty Partners, praying for the vacation of the following described utility easements, to-wit:

A 20.00 foot utility easement described as follows:

Commencing at the Southwest corner of Lot 2, Block 2, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas, thence S 85°57'56"E, 255.80 feet along the south line of said Lot 2, Block 2; thence N 1°05'20"W, 50.20 feet to the point of beginning; thence N 1°05'20"W, 595.97 feet to a point lying 20.00 feet Southeasterly of the Northwesterly line of said Lot 2, Block 2; thence S 42°04'33"E, 30.49 feet parallel with said Northwesterly line; thence S 1°05'20"E, 574.74 feet to a point lying 50.00 feet North of the South line of said Lot 2, Block 2; thence N 85°57'56"W, 20.08 feet parallel with the South line of said Lot 2, Block 2 to the point of beginning.

and also:

A 20.00 foot utility easement described as follows:

Commencing at the Southeast corner of Lot 11, Block 1, Killarney Plaza Second Addition, an addition to Wichita, Sedgwick County, Kansas; thence N 42°04'33"W, 35.40 feet to the point of beginning; thence N 42°04'33"W, 30.49 feet; thence N 1°05'20"W, 400.03 feet; thence N 32°29'06"W, 386.22 feet to a point on the South line of the 30' Sanitary Sewer Easement located on Film 524, Page 239-242; thence N 89°21'15"E, 23.54 feet along said South line; thence S 32°29'06"E, 379.42 feet; thence S 1°05'20"E, 428.67 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:

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City clerk

V-1580
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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 .

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of February, 1989, ordered that the above-described utility easements 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.



S. Kamen
Sheldon Kamen, Mayor

ATTEST:

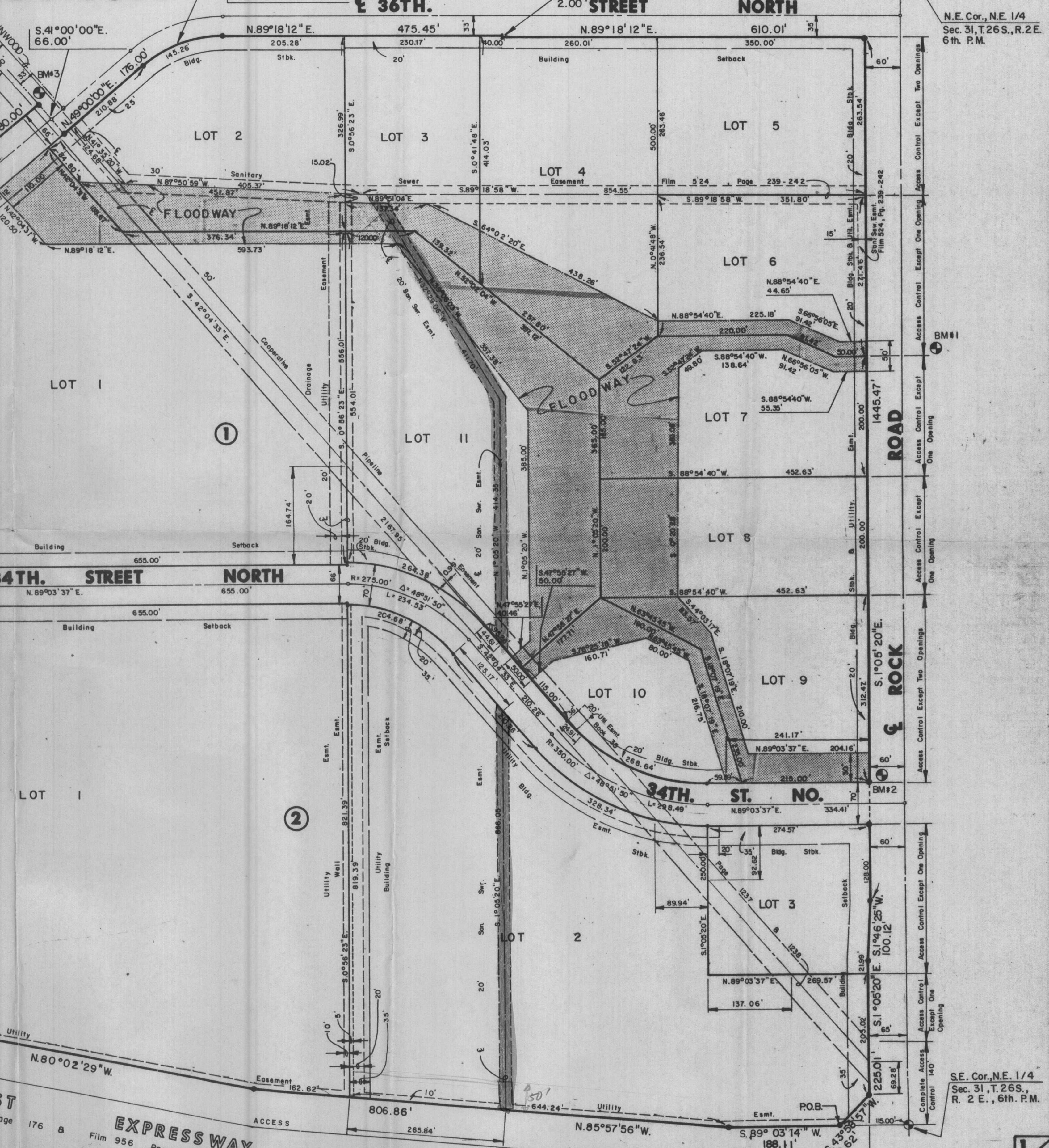
John Moir

John Moir, City Clerk

Approved as to Form:

Thomas R. Powell
Thomas Powell, Director of Law

State of Kansas,)
Sedgwick County,) ss.
City of Wichita,)
I, Dale E. Pea, 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, this FEB 16 1989
Dale E. Pea Deputy City Clerk
COUNTY



N.E. Cor., N.E. 1/4
Sec. 31, T.26S., R.2E.
6th. P.M.

S.E. Cor., N.E. 1/4
Sec. 31, T.26S.,
R. 2 E., 6th. P.M.