

Planning Agenda # _____

City of Wichita
City Council Meeting
March 29, 1994

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-1856 REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of utility easement

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

Background: This site is in the County. The applicant is requesting to vacate a portion of an easement originally platted within a Reserve in order to protect a proposed lake and landscaping in the Reserve from disruption by utilities. To make up for the portion of easement being vacated, the applicant has submitted to County Engineering additional utility easement along the lots to the west of the Reserve. County Engineering has indicated that the substitute easement is sufficient for the sanitary sewer line located in the easement area and the other utility representatives of the Subdivision Committee have also indicated that the vacation is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
A UTILITY EASEMENT,

GENERALLY LOCATED SOUTH OF CENTRAL
AND WEST OF 159TH STREET EAST

MAPD CASE NO. V-1856

VACATION ORDER

NOW on this 18th day of May, 1994, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

See attached legal description

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on April 29, 1994; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

City Clerk

150022

2907

MICROFILMED
OF RECORD

The Board further finds that on the 24th day of February, 1994, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 29th day of March, 1994, the Governing Body of the City of Wichita recommended that the said petition be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Betsy Gwin
Betsy Gwin, Chair 5-18-94

ATTEST:

Susan E. Crockett-Spoon
Susan E. Crockett-Spoon
County Clerk

APPROVED AS TO FORM:

Richard A. Euson
Richard A. Euson
Assistant County Counselor



STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

JUL 21 1994
NO. 1398237
PAT KETTLER
REGISTER OF DEEDS

Ed Bass
Deputy

Commencing at a corner of Reserve "A", Belle Terre Addition, Sedgwick County, Kansas, said corner being 28 feet northwesterly of the northwest corner of Lot 15, Block 2, in said Belle Terre Addition; thence N 72°26'01" E, along a common line of said Reserve "A" and Belle Terre, 49.09 feet to the P.C. of a curve to the left having a radius of 202.54 feet and a central angle of 34°10'49"; thence northeasterly along said curve, an arc distance of 120.83 feet (having a chord bearing N 55°20'36" E, 119.04 feet) for a point of beginning; thence continuing northeasterly along said curve with a central angle of 3°29'38", an arc distance of 12.35 feet (having a chord bearing N 36°30'23" E, 12.35 feet) to the intersection of said curve with northeasterly line of a 20 foot utility easement, as shown on the recorded plat; thence S 17°33'59" E, along said northeasterly easement line, 453.22 feet; thence S 15°38'19" W, along said southeasterly easement line, 260.34 feet to the intersection of said southeasterly easement line with the northeasterly line of a 20 foot utility easement; thence N 12°23'07" E, 265.53 feet; thence N 17°33'59" W, 433.74 feet to the point of beginning.

EXHIBIT

PART OF BELLE TERRE ADDITION

