

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 15, 1993

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: V- 1811; Request to vacate a portion of a utility easement, generally located north of Central and east of Tyler. (District #5).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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**Staff Recommendation:** Approve vacation.

**MAPC Recommendation:** Approve vacation (unanimous).

**Background:** This is the vacation of a portion of a public utility easement, granted by separate instrument, for the provision of sanitary sewer. Applicant is expanding their business enterprise, and constructing an additional building. Though sanitary sewer was located in this easement, it has been abandoned at the expense of the applicant. Staff and MAPC have recommended approval because this will provide applicant with increased and sufficient buildable area for expansion, and will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

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

150029-2909.

MICROFILMED  
OF RECORD

Approved / Accepted By City Council  
This JUN 15 1993

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

IN THE MATTER OF THE VACATION OF A )  
UTILITY EASEMENT )

GENERALLY LOCATED NORTH OF CENTRAL AND )  
EAST OF TYLER )

Case No. V-1811

MORE FULLY DESCRIBED BELOW )

VACATION ORDER

NOW on this 15th day of JUNE, 1993, comes on for hearing the petition for vacation filed by AFFILIATED PROPERTY SERVICES, praying for the vacation of the following described utility easement, to-wit:

A portion of the easement dedicated by separate instrument dated 26 April 1984 and recorded on film 660 page 1116 described as: A strip of land across part of Lot 1, Tyler Acres Sixth Addition, Wichita, Kansas, more particularly described as follows: Commencing at the S. E. Corner of said Lot 1; thence westerly along the south line of said Lot 1, 4.77 feet; thence northwesterly with a deflection angle to the right of 8°51'55", 430.14 feet to the point of beginning; thence southerly with a deflection angle to the left of 98°51'55" parallel with the west line of said Lot 1, 10.12 feet; thence northwesterly with a deflection angle to the right of 98°51'55", 56.42 feet; thence northeasterly with a deflection angle to the right of 90°, 20 feet; thence southeasterly with a deflection angle to the right of 90°, 53.30 feet; thence southerly with a deflection angle to the right of 81°08'05" parallel with the west line of said Lot 1, 10.12 feet to the point of beginning. (V-1811)

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 of notice of this vacation proceeding for consecutive weeks on 5/14/93 & 5/21/93.

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

*J. P. [unclear]*

150029  
2909

8'

Vacation Order  
V-1811  
Page 2 of 2

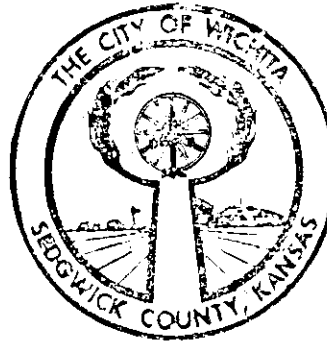
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June, 1993, 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.

*Elma Broadfoot*  
Elma Broadfoot, Mayor

ATTEST:

*Pat Burnett*  
Pat Burnett, Deputy City Clerk



STATE OF KANSAS ) ss  
SEDSWICK COUNTY )  
FILED )  
8-00d )  
JUL 27 93 1308307  
PAT KETTLER  
REGISTER OF DEEDS

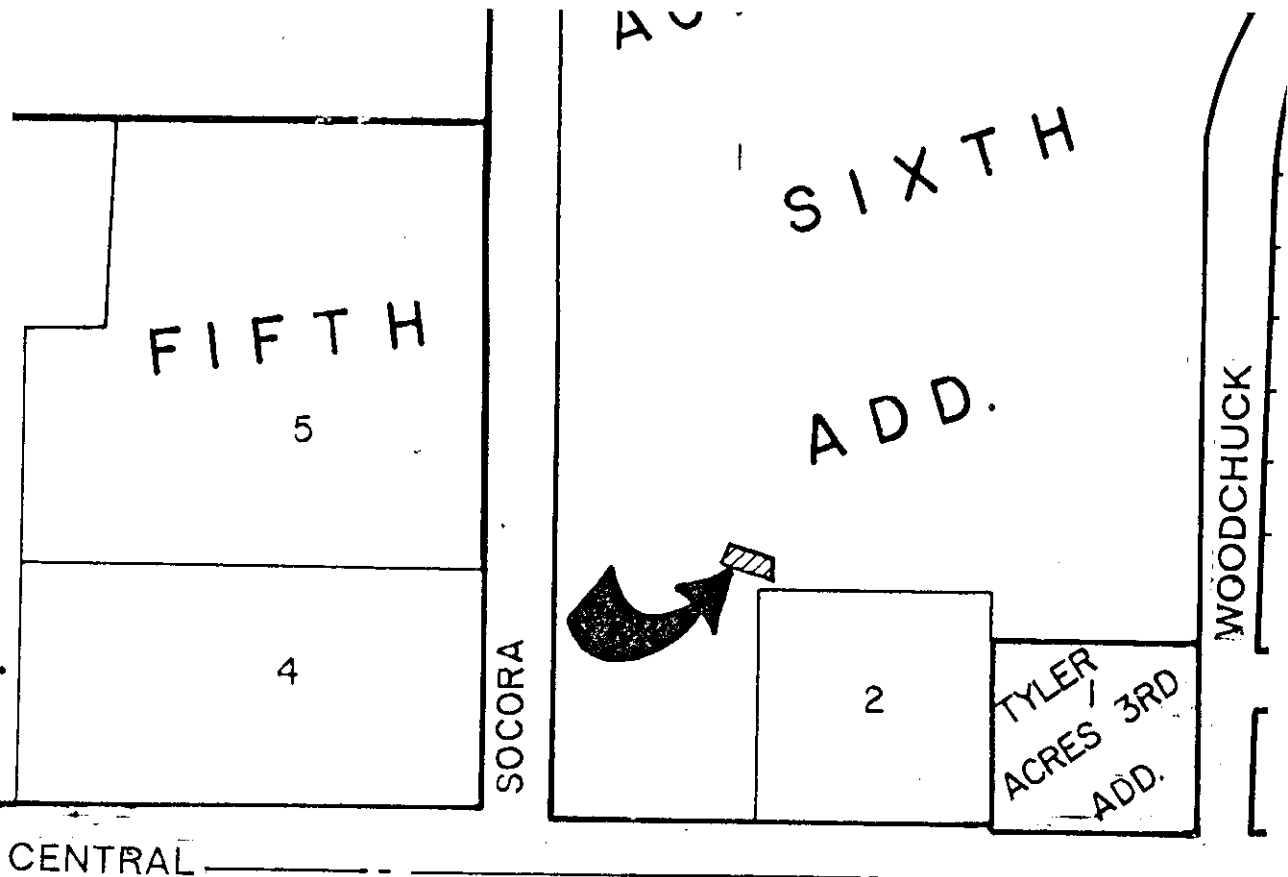
Approved as to Form:

*Gary E. Rebenstorf*  
Gary Rebenstorf, Director of Law

*Ed Broad*  
*Sedgwick County*

State of Kansas )  
Sedgwick County) ss  
City of Wichita )  
*Pat Burnett*, Deputy City Clerk of the City  
of Wichita, Kansas, hereby certify that the document  
attached to this is affixed is a true and correct copy of  
the original on file in the office the the City Clerk.  
Given under my hand and seal of the City of  
Wichita, this *June 15, 1993*  
*Pat Burnett* Deputy City Clerk





Application Filed 4/12/93  
 S/D Comm. Action 4/29/93 *APP*  
 M.A.P.C. Action 5/8/93 *APP*

W.C.C. Action 6-15-93 *APP*  
 Bd. Co. Co. Action \_\_\_\_\_

Order to Vacate Recorded  
July 27 1993