

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 17, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1862 REQUEST TO VACATE THE
UTILITY USE PLATTED FOR A RESERVE LOCATED NORTH
OF 37TH ST. N. AND EAST OF ROCK RD.
(District #2)

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: When the Willowbend residential additions and golf course were platted, the areas for the golf course were platted as Reserves. Also, however, the Reserves were designated as blanket type utility easements, which in essence precluded the installation of structures that could conflict with existing or planned utility locations. In order to build a restroom facility the applicant has requested that an area of a Reserve have such utility use vacated. Although a number of utility lines were found to be in the area both City Engineering and the utility representative of the subdivision committee indicated the area requested for vacation is acceptable and avoids existing facilities. Neighboring property owners were also notified to allow them an opportunity to indicate if the vacation and proposed restroom facility would be objectionable. No negative comments have been received.

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/Actions:

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

150029-2909

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

IN THE MATTER OF THE VACATION OF)
 A UTILITY EASEMENT PLATTED AS A)
 USE WITHIN A RESERVE)
)
 GENERALLY LOCATED) Case No. V-1862
 NORTH OF 37TH ST. N. & EAST OF)
 ROCK RD.)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 17th day of May, 1994, comes on for hearing the petition for vacation filed by Willowbend Golf Club, praying for the vacation of the following described utility easement, to-wit:

A tract of land lying in Reserve A, WILLOWBEND SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows: Commencing at the Southwest corner of Lot 1, Block 2, WILLOWBEND FIRST ADDITION, an addition to Wichita, Sedgwick County, Kansas, thence S 83° 02' 39" W, 86.60 feet to the point of beginning; thence S89° 00' 27"W, 30.00 feet; thence N00° 58' 31"W, 30.00 feet; thence N89° 00' 27"E, 12.00 feet; thence S69° 44' 23"E, 19.31 feet; thence S00° 58' 31"E, 23.00 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:

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 5-6-94 & 5-13-94.
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 a proper party to the petition.
5. The vacation of the utility easement described herein should be approved.

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City Clerk

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MICROFILMED
OF RECORD

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 1994, 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



Approved as to Form:

Gary Bebenstorf
Gary Bebenstorf, Director of Law

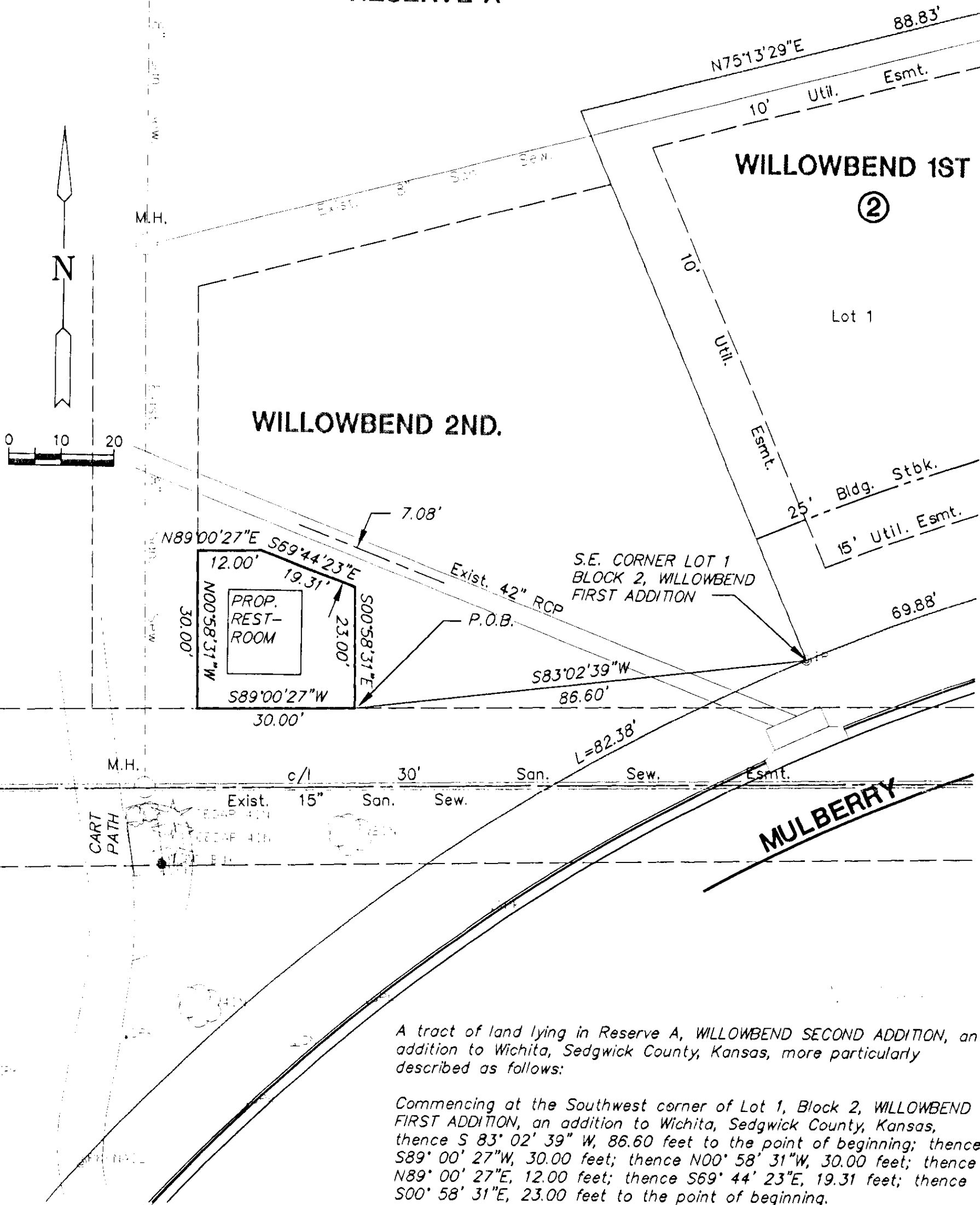
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, *Pat Burnett*, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.
Given under my hand and seal of the City of
Wichita, this May 17, 1994
Pat Burnett Deputy City Clerk



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM
JUN 16 1994
NO 1389994
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

RESERVE A



A tract of land lying in Reserve A, WILLOWBEND SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of Lot 1, Block 2, WILLOWBEND FIRST ADDITION, an addition to Wichita, Sedgwick County, Kansas, thence S 83° 02' 39" W, 86.60 feet to the point of beginning; thence S 89° 00' 27" W, 30.00 feet; thence N 00° 58' 31" W, 30.00 feet; thence N 89° 00' 27" E, 12.00 feet; thence S 69° 44' 23" E, 19.31 feet; thence S 00° 58' 31" E, 23.00 feet to the point of beginning.