

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

**City of Wichita  
City Council Meeting  
July 1, 1997**

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

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-2023 REQUEST TO VACATE UTILITY EASEMENT  
LOCATED IN AN AREA SOUTHEAST OF WEST STREET AND ELM,  
(District #6)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

*M. Klaut*

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**Staff Recommendation:** Approve vacation of utility easement.

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

**Background:** The applicant requests the vacation of a 20-foot utility easement in Lot 1 of the NBW Building Addition, located on the east side of West Street and south of Elm Street. The applicant plans new construction on the lot which will cross the easement as recorded and desires to vacate the easement in order to more fully utilize the property. City Engineering required the abandonment and relocation of a manhole in order for the vacation to be approved. This work has been completed.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions which have been met. No members of the public addressed the MAPC to oppose this request.

**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

MICROFILMED  
OF RECORD

Approved / Accepted By City Council  
This JUL 1 1997

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

IN THE MATTER OF THE VACATION OF )  
UTILITY EASEMENT )  
 )  
GENERALLY LOCATED )  
SOUTHEAST CORNER OF WEST STREET )  
AND ELM )  
 )  
MORE FULLY DESCRIBED BELOW )

STATE OF KANSAS }  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
Scott M

Case No. V-2023 1644802 2-55

LARRY CONSOLVER  
REGISTER OF DEEDS



VACATION ORDER

*Anna Mankiewicz*  
Deputy

NOW on this 1st day of July, 1997, comes on for hearing the petition for vacation filed by W.A. Michaelis, Jr., praying for the vacation of the following described utility easement, to-wit:

A utility easement described as the west 20 feet of the east 90 feet of Lot 1, NBW Building Addition, Wichita, Kansas, except the south 15 feet thereof.

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 6-6-97 & 6-13-97
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.

*g.ock*

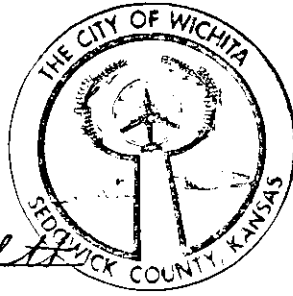
*City Clerk*

150029  
2909  
8001

Vacation Order  
V-2023

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July, 1997,  
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.



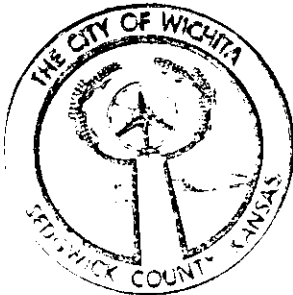
*Bob Knight*  
Bob Knight, Mayor

ATTEST:

*Pat Burnett*  
Pat Burnett, City Clerk

Approved as to Form:

*Gary Rebenstorf*  
Gary Rebenstorf, Director of Law



State of Kansas )  
Sedgwick County ) ss  
City of Wichita )

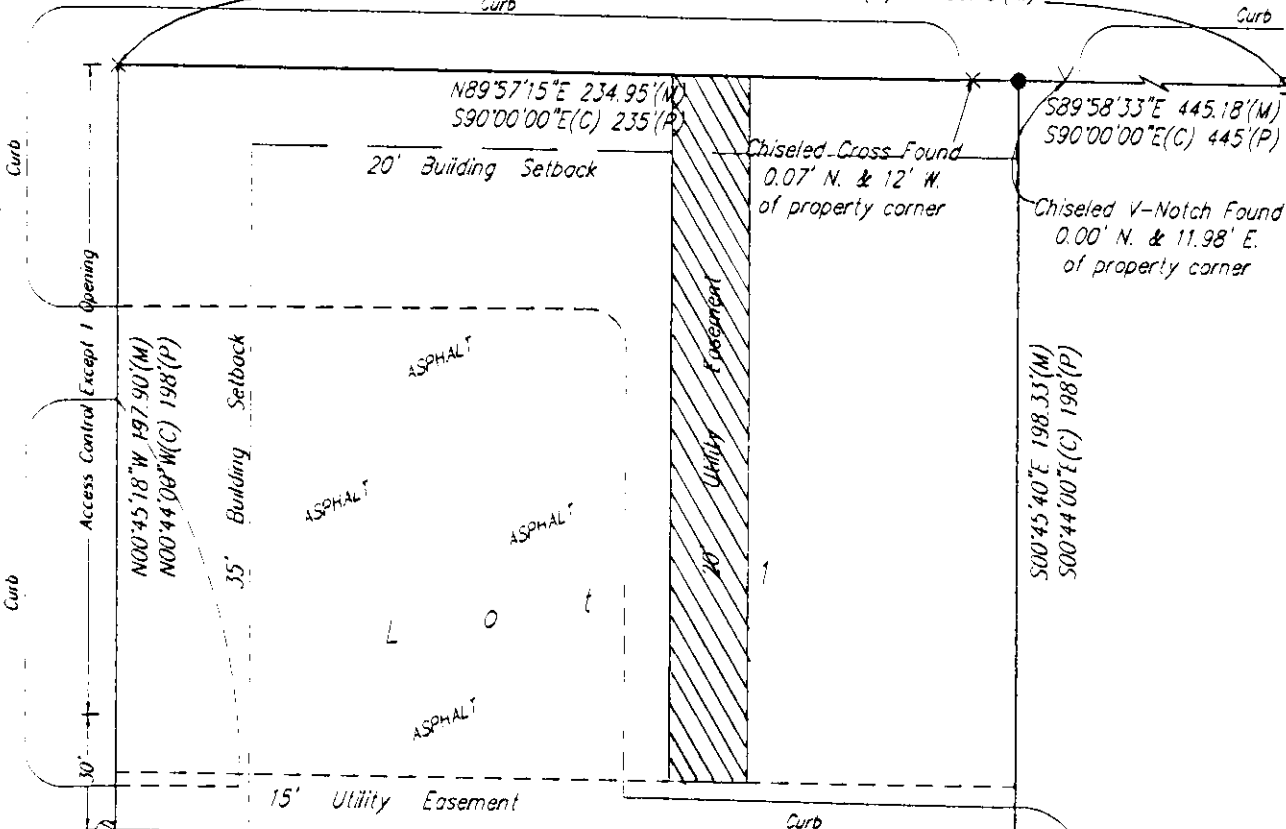
I, Pat Burnett City Clerk of the City of Wichita,  
Kansas, hereby certify that the document to which  
this is annexed is a true and correct copy of the original  
on file in my office.

Given under my hand and seal of the City of  
Wichita, this JUL 1 1997  
*Pat Burnett* City Clerk

# Elm Street

Assumed Basis of Bearings =  $S90^{\circ}00'00''E$  680'(P) & 680.13'(M)

West Street



Access Control Except 1 Opening  
 30' Building Setback  
 35' Building Setback  
 20' Building Setback

ASPHALT  
 ASPHALT  
 ASPHALT  
 ASPHALT  
 ASPHALT  
 15' Utility Easement

30' Utility Easement

Chiseled Cross Found  
 0.07' N. & 12' W.  
 of property corner

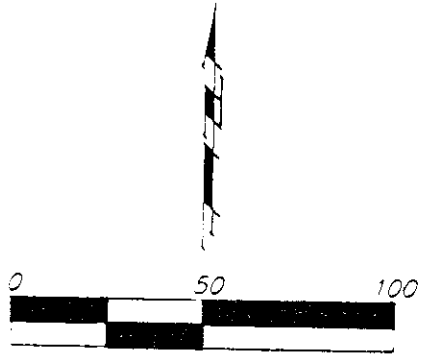
Chiseled V-Notch Found  
 0.00' N. & 11.98' E.  
 of property corner

$N00^{\circ}45'18''W$  197.90'(M)  
 $N00^{\circ}44'00''W(C)$  198'(P)  
 $S00^{\circ}45'18''E$  352'(M)  
 $S00^{\circ}44'00''E(C)$  352'(P)  
 $S00^{\circ}45'18''E$  50'(M)  
 $S00^{\circ}44'00''E(C)$  50'(P)

$S89^{\circ}58'05''W$  234.99'(M)  
 $S90^{\circ}00'00''W(C)$  235'(P)

$S89^{\circ}58'33''E$  445.18'(M)  
 $S90^{\circ}00'00''E(C)$  445'(P)  
 $S89^{\circ}58'05''W$  105'(M)  
 $S90^{\circ}00'00''W(C)$  105'(P)

$S00^{\circ}44'00''E(C)$  5'(P)  
 $S00^{\circ}21'26''E$  4.98'(M)



(C) = Calculated  
 (P) = Platted  
 (M) = Measured

- ⊙ = Chiseled Cross Set
- × = Chiseled Cross Found
- ∇ = Chiseled V-Notch Found
- = 1/2" Iron Pipe Found
- = #4 Baughman Rebar Set
- = 3/4" Iron Pipe Found
- △ = #4 Rebar in Thimble Found