


Planning Agenda # _____

City of Wichita
City Council Meeting
April 13, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2163 - REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA AT THE NORTHWEST CORNER
OF KILLARNEY AND GLENMOOR (NORTH OF CENTRAL
AND WEST OF 127TH STREET EAST). (District II)

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: The applicant is requesting to vacate a 10 foot platted utility easement, which is in the Sedgwick County's four mile creek sewer district. There is an existing home which was constructed into the utility easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the applicant submitting a revised legal description which retains the southern 20 feet as a utility easement. After the Subdivision and MAPC hearing, the applicant met with County Public Works and it was agreed upon that retaining the southwest 15 feet as a utility easement would be sufficient, which is in the revised legal description. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendations of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

797592 278

1924 PAGE 1215

Approved / Accepted By City Council

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

This 4-13-99

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)

GENERALLY LOCATED)
NORTHWEST CORNER OF KILLARNEY)
AND GLENMOOR (NORTH OF CENTRAL)
AND WEST OF 127TH STREET EAST)

Case No. V-2163

MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

STATE OF KANSAS)
SEDGWICK COUNTY)
MAR 27 11 13 AM '99)
BILL MEEK)
REGISTER OF DEEDS)

VACATION ORDER

NOW on this 13th day of April, 1999, comes on for hearing the petition for vacation filed by Clifton Development, L.L.C, praying for the vacation of the following described utility easement, to-wit:

That portion of Lot 28, Block 1, in Country Club Court Addition to Sedgwick County, Kansas, described as follows: Beginning at the northwesterly corner of said Lot 28; thence bearing N 40°17'13"E along its northerly line a distance of 83.25 feet; thence bearing N 89°10'11"E Parallel with and 20 feet south of the north line of said addition a distance of 13.27 feet; thence bearing S 40°17'13" W parallel with and 10 feet southerly of the northerly line of said Lot 28 a distance of 91.73 feet to a point in the westerly line of said Lot 28; thence along said westerly line bearing N 51°05'23"W a distance 10 feet to the point of beginning except the southwest 15 feet.

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 on March 2, 1999, which was at least 20 days prior to the public hearing.
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.

8.00



Andrea Kippie
Chief Deputy

CITY OF WICHITA
ATTENTION: CITY CLERK

150003
\$8.00

Vacation Order
V - 2163

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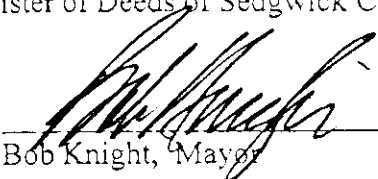
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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, subject to the following condition:

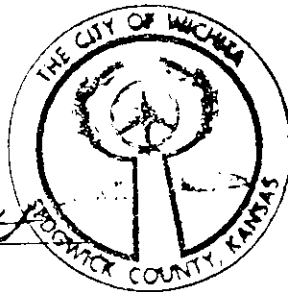
A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of April, 1999, 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.

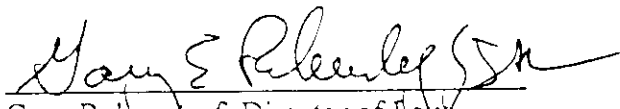

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk




Approved as to Form:


Gary Rebenstorf, Director of Law



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

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

Witness my hand and seal of the City of Wichita, this APR 27 1999
 City Clerk

