

Planning Agenda # _____

City of Wichita
City Council Meeting
November 2, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2199 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED SOUTH OF 39TH STREET NORTH AND WEST OF
WEBB ROAD.
(District II)

INITIATED BY: Metropolitan Area Planning Department *M. Hout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation utility easement

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

Background: The applicant is requesting to vacate the 20-foot utility easement along the rear property lines of four adjacent lots. The applicant wishes to use this area for the construction of buildings.

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 dedicating substitute easements. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds, with the recording cost billed to the Planning Department.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order; accept the utility easement dedication and instruct the City Clerk to record the dedication document with the Register of Deeds; and authorize the Mayor to sign.

1852767 23

999 PAGE 0362

CITY CLERK'S OFFICE
RETURN TO CITY CLERK

Approved / Accepted By

This NOV 2 1999

STATE OF KANSAS }
SEDGWICK COUNTY } SS

DEC 23 11 55 AM '99

RECORDED

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

BILL MEEK
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT



GENERALLY LOCATED
SOUTH OF 39TH STREET NORTH AND WEST
OF WEBB ROAD

Case No. V-2199

MICROFILMED
OF RECORD

MORE FULLY DESCRIBED BELOW

[Signature]
Deputy

VACATION ORDER

NOW on this 2nd day of November, 1999, comes on for hearing the petition for vacation filed by M & H Investments Inc., c/o Horst Hiller; Marlin Penner, praying for the vacation of the following described utility easement, to-wit:

The south 10 feet of Lots 13, 14 and the north 10 feet of Lots 3 and 4, except the east 50 feet of said Lot 3, all in Block 1, Industrial Air Center, an Addition to Wichita, Sedgwick County, Kansas.

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 September 22, 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.
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.

8.00
S.C.I.

City Clerk

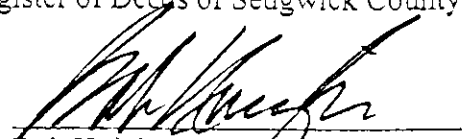
8.00
15 0003

5. The vacation of the utility easement described herein should be approved, subject to the following condition:


A) The applicant shall dedicate additional utility easement as follows:

The South 15 feet of Lots 4 and 3 Except the East 60 feet of said Lot 3, along with the West 20 feet of the East 60 feet of said Lot 3, all in Block 1, Industrial Air Center, an Addition to Wichita, Sedgwick County, Kansas.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of November 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



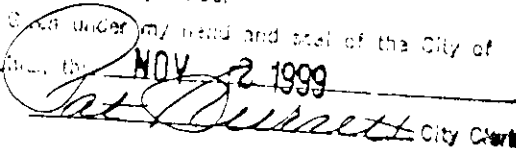
Approved as to Form:


 Gary Rebenstorf, Director of Law



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

I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this attestation 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, KANSAS, ON NOV 2 1999

 Pat Burnett, City Clerk

ADDITION

V-2199
#6052B

TOBEN
THIRD ADD.
(PART OF)

39 TH. ST. NO.



13 (PART OF)

16

4 INDUSTRIAL

RESERVE "A"

TOBEN

TOBEN ST

11

5

38 TH. ST. NO.

SECOND

AIR

6

2

7

INDUSTRIAL
AIR CENTER
SECOND ADD

CENTER

9

8

CYPRESS

4

3

2

1

RESERVE "D"

RESERVE "C"

THIRTY SEVENTH ST. NO.