

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO
BOARD OF CITY COMMISSIONERSREQUEST FOR VACATION

CASE NO. V- 1176

CONSIDERED BY:

SUBDIVISION COMMITTEE: 3-3-83

PLANNING COMMISSION: 3-10-83

REQUEST FOR VACATION OF: portion of utility easement

LOCATION: north side of Peppertree Circle in an area west of Greenleaf

LEGALLY DESCRIBED AS:

Commencing at the northeast corner of Lot 9, Block 1, Peppertree, an Addition to Wichita, Sedgwick County, Kansas; thence south along the east line of Lot 9, bearing S 0°49'06" E, 20 feet; thence S 89°10'54" W, 16 feet to the point of beginning; thence S 89°10'54" W, 29 feet; thence N 0°49'06" W, 1.4 feet; thence N 89°10'54" E, 29 feet; thence S 0°49'06" E, 1.4 feet to the point of beginning.

REASON FOR REQUEST: a new home encroaches into the easement

NAME OF APPLICANT: Keeney Stevens, ^{2431 N. Rushing} ~~9018 Peppertree Circle, 67226~~

REPRESENTATIVE FOR APPLICANT: Ken Bengtson

PROTESTORS, IF ANY: None

PLANNING COMMISSION RECOMMENDATION: Approve the vacation request subject to:

- A. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- B. All proceedings shall be without cost to the City, County, or any utility company.

Goebel moved, Chisholm seconded and it carried unanimously. Gardner was not present for this vote; one vacancy.

ATTACHMENTS: Ordinance (Approved as to form by the Department of Law)

ACTION: Approve the request as recommended by the Metropolitan Area Planning Commission and place the ordinance on its first reading.

(97186) (Published in The Daily Record April 1, 1983)

ORDINANCE NO. 38-307

AN ORDINANCE VACATING A PORTION OF A PLATTED
UTILITY EASEMENT ON LOT 9, BLOCK 1, PEPPERTREE,
AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF WICHITA, KANSAS:

SECTION 1. That the utility easement described as
follows, to-wit:

Commencing at the northeast corner of Lot 9, Block 1, Peppertree,
an Addition to Wichita, Sedgwick County, Kansas; thence south along
the east line of Lot 9, bearing S 0°49'06" E, 20 feet; thence
S 89°10'54" W, 16 feet to the point of beginning; thence S 89°10'54"
W, 29 feet; thence N 0°49'06" W, 1.4 feet; thence N 89°10'54" E,
29 feet; thence S 0°49'06" E, 1.4 feet to the point of beginning, (MAPC NO.
V-1176);

be and the same is hereby vacated in accordance with K.S.A. 13-443,
subject, however, to the concurrence in such vacation by the Board
of County Commissioners as by law provided.

SECTION 2. That it is hereby recommended to the Board of
County Commissioners of Sedgwick County, Kansas, that said above
described easement be vacated by said Board in case a proper petition
is filed under the provisions of K.S.A. 12-504, 12-505 and K.S.A.
12-506.

SECTION 3. That this Ordinance shall be in force and take
effect from and after its passage and publication once in the official
city paper.

PASSED AND APPROVED at Wichita, Kansas, this 29th day of
March, 1983.

ATTEST:

Albert J. Kirk, Mayor

Donald C. Gisick, City Clerk

SEAL

