

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION TO BOARD OF CITY COMMISSIONERS

REQUEST FOR VACATION

CASE NO. V- 1173

CONSIDERED BY:

SUBDIVISION COMMITTEE: 2-3-83  
PLANNING COMMISSION: 2-10-83

REQUEST FOR VACATION OF: portion of utility easement

LOCATION: between Harry and Lockmoor in an area west of Cranbrook

LEGALLY DESCRIBED AS:

Commencing at the SE corner of Lot 6, Block 1, Red Oaks First Addition to Sedgwick County, Kansas; thence west along the south line of said Lot 6, 10 feet; thence north parallel to the east line of said Lot 6, 23.5 feet to a point of beginning; thence north parallel to the east line of said Lot 6, 54.0 feet; thence east parallel to the south line of said Lot 6, 2.6 feet; thence south parallel to the east line of said Lot 6, 54.0 feet; thence west parallel to the south line of said Lot 6, 2.6 feet to the point of beginning.

REASON FOR REQUEST: newly-constructed house encroaches into easement

NAME OF APPLICANT: Aleksandar Hadijski  
9323 E. Harry, 67207

REPRESENTATIVE FOR APPLICANT: Lowell D. High

PROTESTORS, IF ANY: None

PLANNING COMMISSION RECOMMENDATION: Approve the vacation of only that part of the easement occupied by the house itself (approximately 0.2 feet) and require a three-party agreement to be negotiated between the County, the City, and the applicant to allow the other encroachments (fireplace and roof overhang) to remain in the easement.

Gardner moved, Wilson seconded and it carried unanimously. Cazel and Chisholm were absent.

ATTACHMENTS: Ordinance (Approved as to form by the Department of Law)  
Agreement (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, authorize the Mayor to sign the Agreement on behalf of the City; instruct the City Clerk to return the signed agreement to the Planning Department for forwarding to the County Commission and for recording.

(97275) (Published in The Daily Record April 29, 1903)

ORDINANCE NO. 38-326

AN ORDINANCE VACATING A PORTION OF THE TEN-FOOT UTILITY EASEMENT PLATTED ALONG THE EAST SIDE OF LOT 6, BLOCK 1, RED OAKS FIRST ADDITION TO SEDGWICK COUNTY, KANSAS.

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

SECTION 1. That the portion of utility easement described as follows, to-wit: Beginning at a point 9.8 feet west of the east line of Lot 6, Block 1, Red Oaks First Addition, Sedgwick County, Kansas, and 23.5 feet north of the south line of said lot; thence north 54.0 feet; thence west 0.2 feet; thence south 54.0 feet; thence east 0.2 feet to the point of beginning; (MAPC NO. V-1173);

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 26<sup>th</sup>  
day of April, 1903.

ATTEST:

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Mayor

\_\_\_\_\_  
Donald C. Gisick, City Clerk

(SEAL)

