

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1257 - and V-1040 - VACATION OF A PORTION OF A UTILITY EASEMENT ON LOTS 24 AND 25, FREEMAN'S ADDITION LOCATED BETWEEN LEONINE AND KNIGHT SOUTH OF MERTON.

The Planning Commission recommends approval subject to:

- A. The vacation ordinance shall also apply to the unfinished vacation case (V-1040) on the applicant's property to the north.
- B. The applicant shall enter into a "hold harmless" agreement with the City which provides that, if the City has to maintain or repair the sanitary sewer lateral in the easement along the east line of Lots 24 and 25, Freeman's Addition, the City is held harmless for any damage done to the applicant's building.
- C. Any relocation or reconstruction of utilities necessitated by this vacation being at the sole expense of the applicant.
- D. All proceedings being without cost to the City, County, or any utility company.

Bayouth moved, Goebel seconded and it carried unanimously. Crockett was absent. (4-19-84)

ACTION:

Instruct the City Clerk to record the "hold harmless" agreement with the Register of Deeds, the recording costs of which shall be billed to the applicant; approve the vacation request as recommended by the Planning Commission and place the ordinance on first reading.

VACATION CASE DATA

Legal Description: The west four feet of the east 10 feet of the west half of the west half of Lots 24 and 25 in Freeman's Addition to Wichita, Kansas.

Applicant: Air Capitol Plating, Inc.
1702 S. Knight, 67213

Comments: Since a sanitary sewer lateral is located in that part of the subject easement not being vacated by this application, the Planning Commission has required the applicant to enter into a "hold harmless" agreement which holds the City harmless for any damage done to the applicant's building if the public sewer lateral needs to be maintained or repaired. The Law Department has approved the wording of the agreement.

Protestors: None

(99066) (Published in the Daily Record 6/22, 1984)

ORDINANCE NO. 38-823

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOTS 24 AND 25, FREEMAN'S ADDITION TO WICHITA, KANSAS.

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

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

The west four feet of the east ten feet of the west half of Lots 24 and 25 in Freeman's Addition to Wichita, Kansas (MAPC No. V-1040 and V-1257);

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 19th day of JUNE, 1984.

ATTEST:

Robert G. Knight, Mayor

Donald C. Cisick, City Clerk

(SEAL)

(SEE CASE NO. V-1040)

2

11

ISABEL

LEONINE

52

51

52

51

7

MERTON

AVE.

KESSLER VAC. ORD. 30-324 AVE.

7

REDMOND
ADD.

24

12

8

3rd

3

KNIGHT

AVE.