

City of Wichita
City Commission Meeting
October 28, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1424 - REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT,
LOCATED ON THE NORTH SIDE OF ZIMMERLY, IN AN AREA EAST OF
INVERNESS.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of easement.

Background: Edward Boody, Jr., 1057 Inverness Drive, Wichita, KS 67218 is requesting this vacation to clear a building encroachment.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The applicant shall submit a signed vacation petition.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action:

Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording cost to be billed to owner.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF A
PLATTED EASEMENT.

GENERALLY LOCATED NORTH OF ZIMMERLY, IN AN
AREA EAST OF INVERNESS. (V-1424)

MORE FULLY DESCRIBED BELOW

) Approved by Board of Commissioners
) this OCT 28 1986

STATE OF KANSAS }
SEDGWICK COUNTY } 22
FILED FOR RECORD AT
8:00 AM

NOV 4 1986

NO. 8 43237
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Boody
Deputy

NOW on this 28th day of October, 1986, comes on for hearing the petition for vacation filed by Edward Boody, Jr., praying for the vacation of the following described portion of a platted easement, to-wit:

Commencing at the southwest corner of Lot 8, Block H, replat of Trollope-Fallon Addition to Wichita, Kansas; thence east along the south line of said Lot 8, 14.5 feet to a point on the east line of the utility easement as platted in said addition; thence north along said easement line 13.2 feet for a place of beginning; thence continuing north along said easement line to a deflection point in said easement line; thence northeasterly along said easement line, 35 feet to a deflection point in said easement line; thence northwesterly along said easement line, 5 feet to a deflection point in said easement line, said point being 8 feet east of the west line of said Lot 8; thence north along said easement line to a point 55.1 feet north of the south line of said Lot 8; thence west at right angles to said easement line, 2 feet; thence south at right angles to the last described line, 41.9 feet; thence east at right angles to the last described line, 2 feet to the place of beginning. (V-1424)

MICROFILMED
OF RECORD

The City Commission, 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 Record of notice of this vacation proceeding for consecutive weeks on OCT 15 & 22, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described 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.
5. The vacation of the easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 28th day of October, 1986, ordered that the above-described 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.

ATTEST

Tony Casado
Tony Casado Mayor

Donald C. Gsick
Donald C. Gsick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

