

City of Wichita
City Commission Meeting
November 12, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1422 - REQUEST TO VACATE THE BLANKET UTILITY AND DRAINAGE EASEMENT USES PLATTED FOR A PORTION OF RESERVE A, WILLOW-BEND FIRST ADDITION, LOCATED EAST OF ROCK ROAD AND SOUTH OF MULBERRY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of blanket utility and drainage easement uses.

Background: Golf Courses of America, Inc., is requesting this vacation to create buildable area so a clubhouse for the Willowbend Golf Course may be constructed.

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;
5. The applicant shall submit a signed vacation petition; and
6. The applicant shall meet with City Engineering to determine the legal description required for a drainage easement that shall be retained in the Vacation Order.

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 costs 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 THE BLANKET)
UTILITY AND DRAINAGE EASEMENT USES PLATTED FOR)
A PORTION OF RESERVE A, WILLOWBEND FIRST)
ADDITION.)

GENERALLY LOCATED EAST OF ROCK ROAD AND SOUTH)
OF MULBERRY. (V-1422))

MORE FULLY DESCRIBED BELOW)

Approved by Board of Commissioners
this NOV 12 1986

VACATION ORDER

NOW on this 12th day of November, 1986, comes on for hearing the petition for vacation filed by Golf Courses of America, Inc., praying for the vacation of the following described blanket utility and drainage easements, to-wit:

Commencing at the northwest corner of the southwest quarter of Section 29, Township 26 South, Range 2 East of the 6th P.M.; thence N 89° 00' 08" E, 16.24 feet along the north line of said southwest quarter to the point of beginning; thence N 89° 00' 08" E, 367.38 feet to a point on a curve to the left, said point lying on the west right-of-way of Mulberry Street, as platted in Willowbend First Addition, an addition to Wichita, Sedgwick County, Kansas; thence along said right-of-way for the next 3 courses the first course being along said curve 97.40 feet, said curve having a central angle of 9° 01' 51", a radius of 617.98 feet, and a long chord of 97.30 feet, bearing S 33° 17' 52" E; thence S 37° 48' 47" E, 205.73 feet to a point on a curve to the left; thence along said curve 105.06 feet, said curve having a central angle of 19° 20' 21", a radius of 311.27 feet, and a long chord of 104.57 feet, bearing S 47° 28' 57" E, to the northwest corner of Lot 1, Block 5 of said Willowbend First Addition; thence S 32° 50' 52" W, 112.52 feet along the west line of said Lot 1, Block 5; thence S 89° 00' 08" W, 738.97 feet to a point on a curve to the right; thence along said curve 40.55 feet, said curve having a central angle of 3° 43' 46", a radius of 623.00 feet, and a long chord of 40.54 feet, bearing N 24° 09' 35" E; thence N 26° 01' 28" E, 194.36 feet to a point on a curve to the left; thence along said curve 217.32 feet, said curve having a central angle of 12° 06' 46", a radius of 1028.00 feet, and a long chord of 216.92 feet, bearing N 19° 58' 05" E, to the point of beginning; said tract containing 5.56 acres more or less. (V-1422)

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 29 + NOV 5, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described blanket utility and drainage easements, 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. A drainage easement is hereby retained on the following described portion of Reserve A that is subject to this Vacation Order:

Beginning at the westerly corner of Lot 1, Block 5, Willowbend First Addition, an addition to Wichita, Sedgwick County, Kansas; thence S 89° 00' 07" W, 100.00 feet; thence N 6° 17' 53" W, 265.28 feet; thence N 52° 11' 13" E, 30.00 feet to a point on the west right-of-way line of Mulberry Street, as platted in said addition; thence along said right-of-way S 37° 48' 47" E, 145.73 feet to a point on a curve to the left; thence along said curve 105.06 feet, said curve having a central angle of 19° 20' 21", a radius of 311.27 feet, and a long chord of 104.57 feet, bearing S 47° 28' 57" E, to the northwest corner of said Lot 1; thence S 32° 50' 52" W, 112.52 feet along the northwesterly line of said Lot 1, to the point of beginning.

City Clerk

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT

NOV 20 1986

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NO. PAT KETTLER
REGISTER OF DEEDS

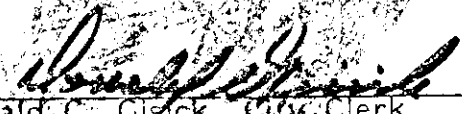
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6. The vacation of the blanket utility and drainage easement described herein should be approved.

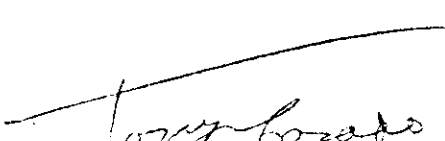
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 12th day of November, 1986, ordered that the above-described blanket utility and drainage easements are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

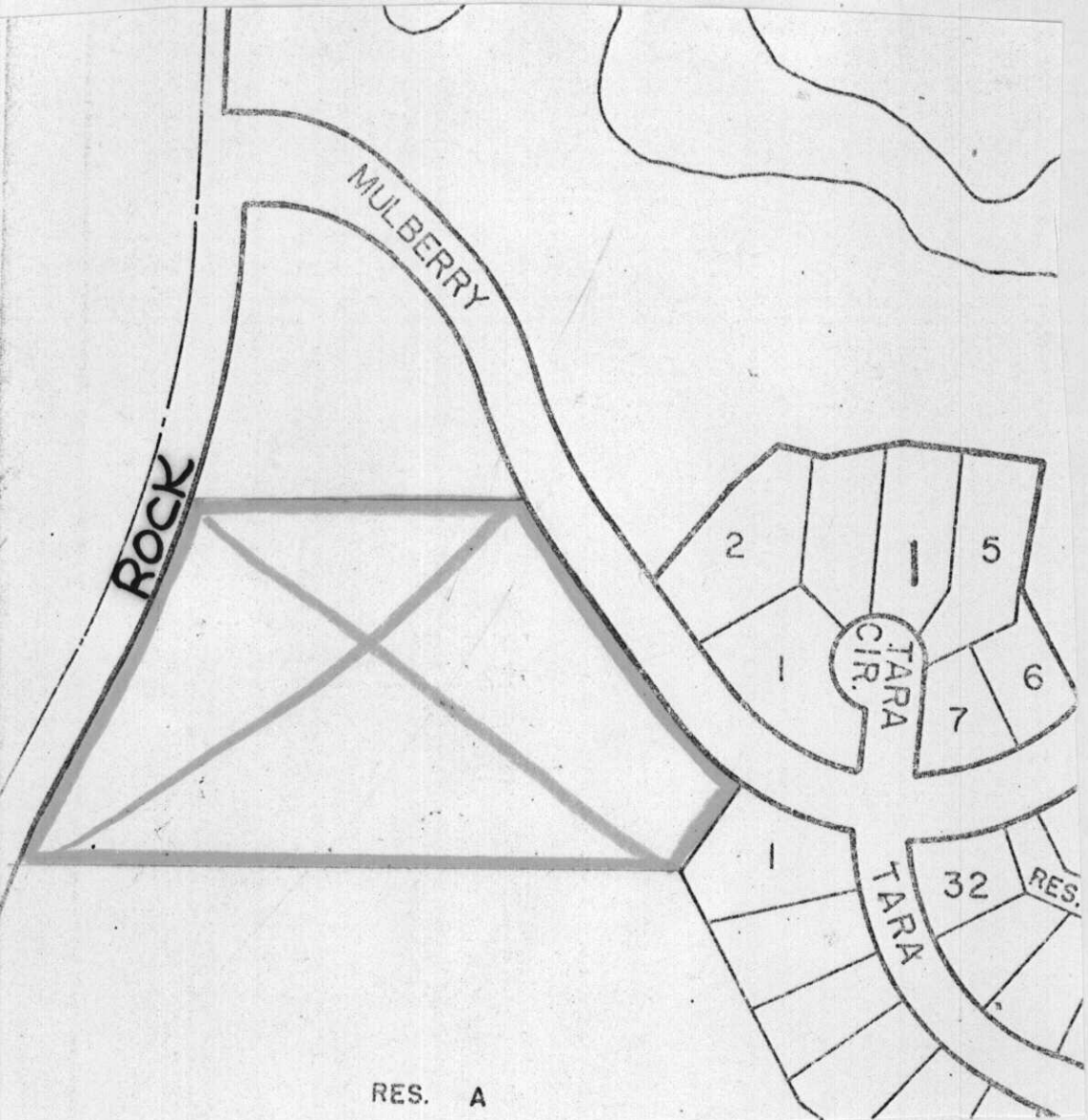
ATTEST:


Donald C. Clisick, City Clerk

Approved as to Form:


John Dekker, Director of Law


Tony Casado, Mayor



RES. A