

City of Wichita
City Commission Meeting
August 19, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1409 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT,
LOCATED SOUTH OF 13TH STREET NORTH, IN AN AREA WEST OF
119TH STREET WEST.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Randy Dean, 1228 N. Coachouse, Wichita, KS 67235, 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 legal description on the Vacation Order shall only vacate the amount of utility easement necessary to clear the encroachment.

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 A PORTION OF)
A PLATTED UTILITY EASEMENT.)

Approved by Board of Commissioners
this AUG 19 1986

GENERALLY LOCATED SOUTH OF 13TH STREET NORTH,)
IN AN AREA WEST OF 119TH STREET WEST. (V-1409))

STATE OF KANSAS }
SEDGWICK COUNTY } SS

MICROFILMED
OF RECORD

FILED FOR RECORD AT
8:00 AM

MORE FULLY DESCRIBED BELOW

SEP 5 1986

8 30569

NO. PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Reed
Deputy

NOW on this 19th day of August, 1986, comes on for hearing the petition for vacation filed by Randy Dean, praying for the vacation of the following described utility easement, to-wit:

That part of Lot 4, Block 1, Walnut Creek Addition to Wichita, Sedgwick County, Kansas, described as follows:

Beginning at a point 32.5 feet east of the west line of said Lot 4 and 20 feet southwesterly and perpendicular to the northerly line of said Lot 4; thence north parallel to said west line, 4.0 feet; thence east at a right angle, 17.0 feet; thence south parallel to said west line, 8.6 feet to the south line of the 20 foot easement on said Lot 4; thence northwesterly to the point of beginning. (V-1409)

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 Aug. 6 & 13, 1986.
2. No private rights will be injured or endangered by the vacation of the above-described utility 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 utility easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 19th day of August, 1986, ordered that the above-described utility 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. Gisick
Donald C. Gisick, City Clerk

Approved as to Form:

5.00

John Dekker
John Dekker, Director of Law

city clerk



Armstrong Land Survey, P.A.

DONN C. ARMSTRONG, R.L.S.

1021 E. WATERMAN
SUITE 4
WICHITA, KS 67211
1-316-263-0082

State of Kansas)
County of Sedgwick) SS

I, Donald C. Armstrong, a Registered Land Surveyor in said state and county do hereby certify that I have caused to be surveyed the following: LOT 4, BLOCK 1, WALNUT CREEK ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

The accompanying sketch is a true and correct exhibit of said survey.

Date of survey: June 26, 1986

Donald C. Armstrong
Donald C. Armstrong R.L.S. #780

