

City of Wichita
City Commission Meeting
March 4, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1374 - VACATION OF A PORTION OF A 40-FOOT WIDE UTILITY EASEMENT GRANTED BY SEPARATE INSTRUMENT, LOCATED IN AN AREA EAST OF ROCK ROAD, SOUTH OF 35TH STREET NORTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of a portion of utility easement.

Background: Keith L. Anderson, Anderson Investment Company, 1125 South Rock Road, Wichita, KS 67207, has requested this vacation of utility easement in order to construct a building. A substitute utility easement has been obtained.

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; and
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
5. The applicant shall grant, by separate instrument, a substitute utility easement.

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

Recommendations/Action: Close public hearing, accept utility easement, approve vacation, authorize the Mayor to sign the Vacation Order and record certified copy of Order and utility easement, recording costs to be billed to owner.

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

MICROFILMED OF RECORD

IN THE MATTER OF THE VACATION OF A PORTION OF A 40-FOOT WIDE UTILITY EASEMENT GRANTED BY SEPARATE INSTRUMENT.

GENERALLY LOCATED IN AN AREA EAST OF ROCK ROAD, SOUTH OF 35TH STREET NORTH. (V-1374)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:00 P.M.
MAR 27 1986
NO. 7 96857
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Reed
Deputy

NOW on this 4th day of March, 1986, comes on for hearing the petition for vacation filed by Keith L. Anderson, praying for the vacation of the following described utility easement, to-wit:

All that part of a 40-foot utility easement, granted on Film 491, Page 576, within Lot 1, Block 5, Stonehedge, an addition to Wichita, Sedgwick County, Kansas, described as follows:

Commencing at the southwest corner of said Lot 1; thence northerly, along the east line of Rock Road bearing N01°05'19"W, 388.20 feet; thence N89°07'21"E, 535.00 feet to the point of beginning; thence N89°07'21"E, 221.00 feet; thence N01°05'19"W, 319.84 feet; thence N56°02'53"E, 47.62 feet; thence S01°05'19"E, 385.82 feet; thence S89°07'21"W, 261.00 feet; thence N01°05'19"W, 40.00 feet to the point of beginning.

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 FEB. 19 & 26, 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 4th day of March, 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:

Donald C. Glick
Donald C. Glick, City Clerk

Approved as to Form:

John Dekker SA
John Dekker, Director of Law

R. C. Brown
R. C. Brown, Mayor

City Clerk

ROCK

STONEHEDGE

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RESERVE "E"

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RESERVE "I"

RESERVE "G"

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