

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members
SUBJECT: V-1470 - REQUEST TO VACATE PORTIONS OF WATERLINE EASEMENTS.
INITIATED BY: Metropolitan Area Planning Department
AGENDA ACTION: Planning

Location: In an area west of Rock Road, north of Kellogg. (District #2).
Applicant: Towne East Joint Venture, P.O. Box 7033, Indianapolis, IN. 46207
Site Size: Three 10-foot wide pieces of a waterline easement measuring 15-feet, 25-feet and 230-feet in length.
Current Zoning: "LC" (light commercial)

Background:

The applicant has requested this vacation case in order to provide additional additional buildable area for expansion of the Henrys Store. The Utility Advisory Committee has required the applicant to grant substitute easements for utilities and to guarantee relocation of existing water mains. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Staff Recommendation: Approve vacation of waterline easement

MAPC Recommendation: Approve vacation of waterline easement (unanimous)

Legal Considerations: The City Clerk needs to certify 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:

755-68-360-50000-295-000-000

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF PORTIONS OF
WATER LINE EASEMENTS

GENERALLY LOCATED IN AN AREA WEST OF ROCK
ROAD AND NORTH OF KELLOGG (V-1470)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Approved / Accepted By City Council
This JUL 21 1987

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
1:00 P.M.

JUL 29 1987

8 97713

NO. PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

*Ed Reed
Deputy*

NOW on this 21st day of July, 1987, comes on for hearing the petition for vacation filed by Towne East Joint Venture, praying for the vacation of the following-described portions of water line easements, granted by separate instrument on Film 186, Page 631, legally described as follows:

10-foot water line easements, granted by separate instrument on Film 186, Page 631, legally described as follows:

A 10-foot wide easement centered on the following described line:

Beginning at a point within Lot 1, Kellogg Mall Addition, to Wichita, Kansas, said point being 779.33 feet north and 375.72 feet west of the N.E. corner of Lot 4, said Kellogg Mall Addition, with the assumption that the bearing of the north line of said Lot 4 is N 89° 52' W; thence N 90° E, a distance of 15.00 feet.

and also:

A 10-foot wide easement centered on the following described line:

Beginning at a point within Lot 1, Kellogg Mall Addition, to Wichita, Kansas, said point being 1107.33 feet north and 375.72 feet west of the N.E. corner of Lot 4, said Kellogg Mall Addition, with the assumption that the bearing of the north line of said Lot 4 is N 89° 52' W; thence N 90° E, a distance of 25.00 feet.

and also:

A 10-foot wide easement centered on the following described line:

Beginning at a point within Lot 1, Kellogg Mall Addition, to Wichita, Kansas, said point being 863.33 feet north and 380.72 feet west of the N.E. corner of Lot 4, said Kellogg Mall Addition, with the assumption that the bearing of the north line of said Lot 4 is N 89° 52' W; thence N 0° E, a distance of 230.00 feet. (V-1470)

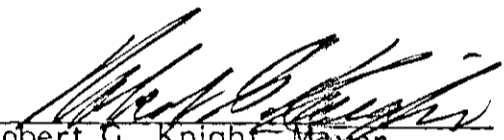
600

city clerk

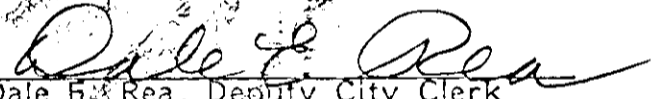
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 JULY 8 & 15, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described, 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 described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of July, 1987, ordered that the above-described 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.

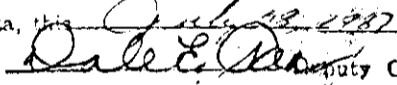

Robert G. Knight, Mayor

ATTEST:


Dale E. Rea, Deputy City Clerk

Approved as to Form:


Thomas Powell, Interim Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this July 23, 1987

Dale E. Rea, Deputy City Clerk

LOT 1,
KELLOGG MALL ADDITION
WICHITA, KANSAS

EXISTING EASEMENT

LOT 1,
KELLOGG MALL ADDITION
WICHITA, KANSAS

EXISTING EASEMENT

EXISTING
TOWNE EAST MALL

NEW HENRY'S
ADDITION

ROCK ROAD

LOT 1,
KELLOGG MALL ADDITION
WICHITA, KANSAS

ASSUMED BEARING
N 89° 52' W

LOT 4

N.E. CORNER, LOT 4,
KELLOGG MALL ADDITION

KELLOGG AVENUE (US54)

