

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 16, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING, V-1541 - REQUEST TO VACATE PORTIONS OF A PLATTED UTILITY
EASEMENT AND BUILDING SETBACK, LOCATED ON THE EAST SIDE OF LAWRENCE LANE IN
AN AREA SOUTH OF BEACHY AVENUE (District #2).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement and building setback.

MAPC Recommendation: Approve vacation of utility easement and building setback.
(unanimous)

Background: These vacations have been requested in order to provide additional buildable lot area for an addition planned to an existing dwelling. The Utility Advisory Committee has verified that the utility easement vacation will not interfere with existing or planned utility lines. The access control dedication is required as a result of the setback vacation. This instrument will assure the "side loading" of vehicles into the planned new garage structure and will thereby prevent parked vehicles from overhanging street right-of-way. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

Recommendations/Action: Close public hearing; accept dedication of access control; approve vacation; authorize the Mayor to sign the Vacation Order; record certified copy of Order and access control dedication, recording costs to be billed to:

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

Approved / Accepted By City Council

AUG 16 1988

STATE OF KANSAS }
SEDCWICK COUNTY } SS

This _____

FILED FOR RECORD AT

8:00 AM

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

AUG 30 88 0966475

IN THE MATTER OF THE VACATION OF PORTIONS OF
A PLATTED BUILDING SETBACK AND UTILITY
EASEMENT

PAT KETTLER
REGISTER OF DEEDS

GENERALLY LOCATED ON THE EAST SIDE OF
LAWRENCE LANE IN AREAS SOUTH OF BEACHY
(V-1541)

Ed Ressa Deputy

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 18th day of August, 1988, comes on for hearing the petition for vacation filed by John and Mary Nodgaard, praying for the vacation of the following described portions of a platted building setback and utility easement, to-wit:

BUILDING SETBACK

That part of the platted 15-foot building setback line described as commencing at the southeast corner of Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas; thence N 00° E, along the east line of Lot 1, 23.47 feet to the intersection point of the 15-foot building setback line; thence northwesterly along said 15-foot building setback line, 32.73 feet to a point of beginning; thence northwesterly along said setback line, 31.08 feet having a chord bearing and distance of N 39° 11' 03" W, 31.07 feet; thence S 61° 46' 55" W, 8.5 feet; thence S 28° 13' 05" E, 30.5 feet; thence N 61° 46' 55" E, 14.41 feet to the point of beginning.

UTILITY EASEMENT

That part of the platted 8-foot utility easement described as commencing at the southeast corner of Lot 1, Block 6, Fifth Addition to Pine Valley Estates, Wichita, Kansas; thence north along the east line of said Lot 1, 50 feet; thence west at right angles to the last described line, 5 feet for a point of beginning; thence north at right angles to the last described line, 40 feet; thence west at right angles to the last described line, 3 feet to a point on the west line of the platted 8-foot utility easement; thence south along the west line of said easement, 40 feet; thence east 3 feet to the point of beginning.

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 AUG. 9 & 15, 1988.
2. No private rights will be injured or endangered by the vacation of the above-described building setback and 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 building setback and utility easement described herein should be approved.

6.00 CA

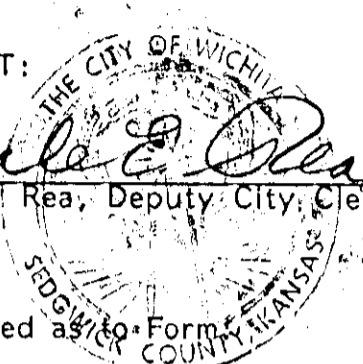
City Clerk

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of August, 1988, ordered that the above-described building setback and 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.

S. Kamen
Sheldon Kamen, Mayor

ATTEST:

Dale E. Rea
Dale E. Rea, Deputy City Clerk



Approved as to Form

Thomas Powell
Thomas Powell, 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 AUG 24 1988

Dale E. Rea Deputy City Clerk

