

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 5, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1647 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF 21ST STREET NORTH AND WEST OF
TYLER ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The area to be vacated was originally granted by separate instrument in connection with a City water project. The applicant requests vacation of the utility easement to allow the development of an apartment complex. City Engineering has reviewed this request and has verified that this vacation will not adversely affect existing or planned utilities. 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, approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This DEC 5 1989

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

IN THE MATTER OF THE VACATION OF)
A UTILITY EASEMENT)
)
GENERALLY LOCATED SOUTH OF 21ST STREET)
NORTH AND WEST TO TYLER ROAD (V-1647).)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 5th day of December, 1989, comes on for hearing the petition for vacation filed by Midland Residential Ventures, Inc., praying for the vacation of the following described utility easement, to-wit:

That portion of those parts of the 40.00 foot utility easement recorded on Film 764, Page 431 which lies within the following described tract of land:

A tract of land located in Lot 11, Block A, Jamesburg Park, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at the southwest corner of said Lot 11; thence N 00°00'00" W, 298.87 feet along the west line of said Lot 11; thence S 88°32'48" E, 341.55 feet; thence S 01°27'12" W, 62.00 feet; thence S 88°32'48" E, 265.50 feet; thence S 01°27'12" W, 239.00 feet to a point on the south line of said Lot 11; thence N 88°32'48" W, 557.00 feet along said south line to a point on a curve to the right; thence along said curve 42.55 feet, said curve having a central angle of 06°00'16", a radius of 406.00 feet, and a long chord of 42.53 feet, bearing N 85°32'40" W 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 Nov. 22 & 29, 1989.

8.00

city clerk

Vacation Order
V-1647
Page 2 of 2

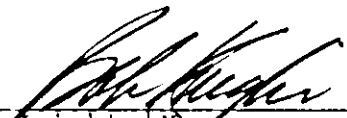
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.

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 CITY COUNCIL, on this 5th day of December, 1989, 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.

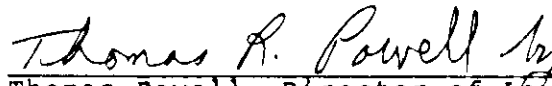

Bob Knight, Mayor

ATTEST:


John Moir, City Clerk



Approved as to Form:

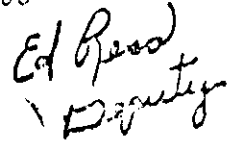

Thomas Powell, Director of Law

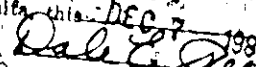
STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

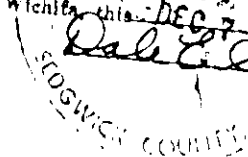
DEC 28 89 1044761

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD


Ed Reed
Deputy

State of Kansas }
Sedgwick County) ss
City of Wichita) 
I, Dale E. Reed, 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 DEC 7 1989

Dale E. Reed, Deputy City Clerk



TWENTY FIRST STREET

21ST ST. NO.

