

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 12, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1628 REQUEST TO VACATE A PORTION OF A
UTILITY EASEMENT LOCATED ON 35TH STREET COURT IN AN AREA
NORTH OF 35TH STREET NORTH AND EAST OF RUSHWOOD
(District #2)

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: This vacation is requested to allow the completion of a house built into an easement. 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

1069 709

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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 ON 35TH STREET COURT)
IN AN AREA NORTH OF 35TH STREET NORTH)
AND EAST OF RUSHWOOD (V-1628).)
)
MORE FULLY DESCRIBED BELOW)

Approved / Accepted By City Council
This SEP 12 1989

VACATION ORDER

NOW on this 12th day of September, 1989, comes on for hearing the petition for vacation filed by Brushcreek Community, a joint venture, praying for the vacation of the following described utility easement, to-wit:

That part of a utility easement on Lot 8, Block 3, Brush Creek Addition, Wichita, Kansas, described as commencing at the N.E. Corner thereof; thence S3°10'23"E, along the east line of said Lot 8, 32.41 feet to a point on the southeasterly line of a 30-foot utility easement; thence S64°36'21"W, along said easement line, 47.41 feet for a point of beginning; thence continuing S64°36'21"W, along said easement line, 20.69 feet; thence N39°30'43"E, 18.73 feet; thence S50°29'17"E, 8.77 feet to the point of beginning; and that part described above as recorded on Film 538 and Page 1168 and 1171 with the Register-of-Deeds, Sedgwick County, Kansas.

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 8/30 & 9/6/89.
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.

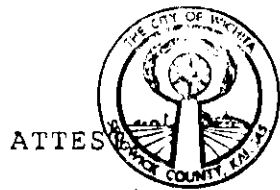
8.00

City Clerk

Vacation Order
V-1628
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5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of September, 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.



ATTES

John Moir
John Moir, City Clerk

Bob Knight
Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
11:00 AM

SEP 15 89 102866R

PAT KETTLER
REGISTER OF DEEDS

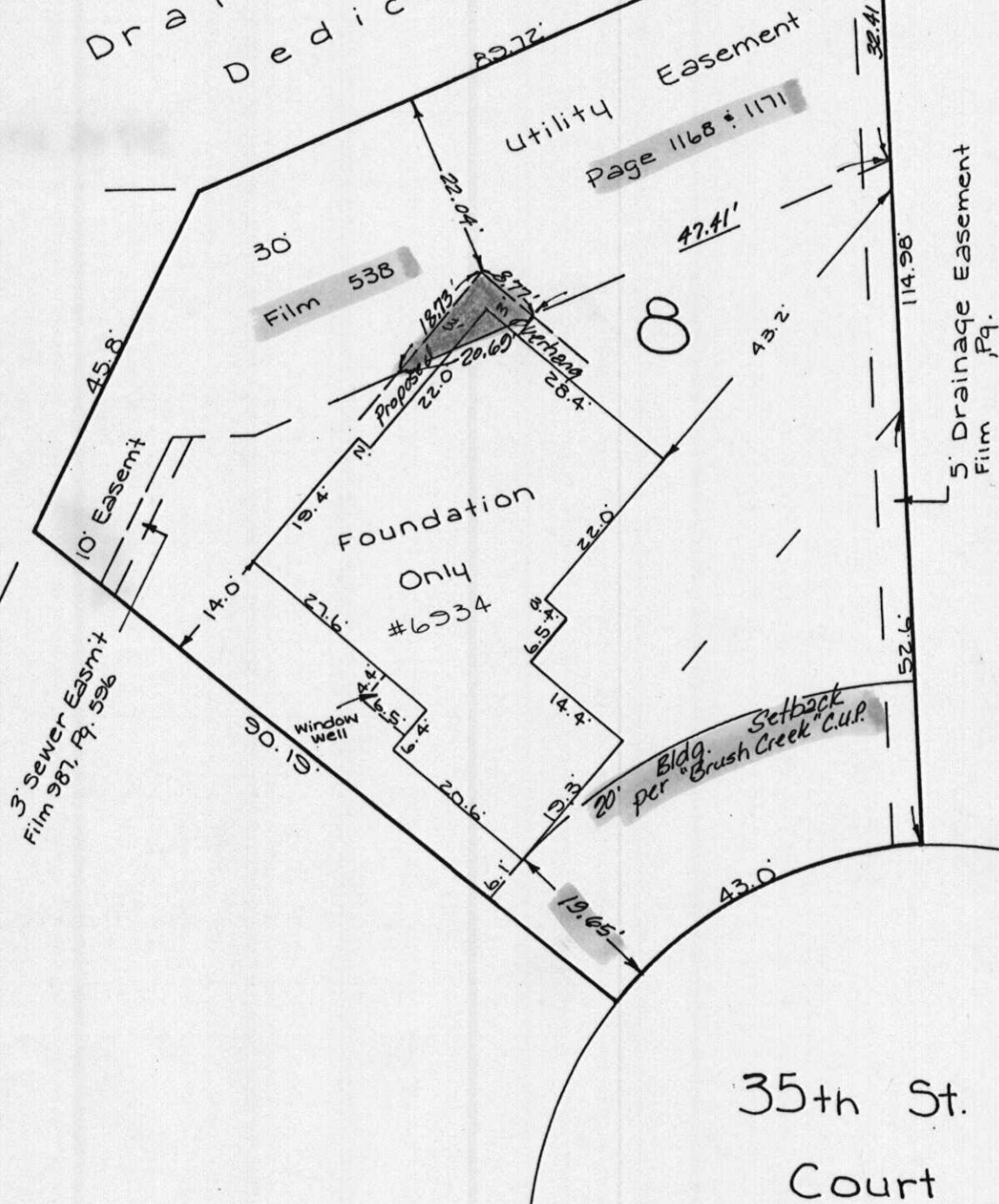
MICROFILMED
OF RECORD

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.
Witness my hand and the seal of the City of
Wichita, Kansas, this 15th day of September, 1989.

SEP 15 1989

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

Drainage Dedication



35th St.
Court