

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 16, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1767 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED SOUTH OF 19TH STREET NORTH AND EAST 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: Additional area in the property's rear yard is needed for a planned swimming pool. Sanitary sewer is in the easement, but only in the eastern section being excluded from the vacation. Both City Engineering and the utility representatives of the Subdivision and Utility Advisory Committee indicate the other portion of the easement is not needed.

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 the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

City of Wichita
June 16 1992

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF)
a platted utility easement)
)
GENERALLY LOCATED SOUTH OF 13TH ST. N.)
AND EAST OF TYLER ROAD (V-1767))
)
)
)
)
)
MORE FULLY DESCRIBED BELOW)

V-1767

VACATION ORDER

NOW on this 16th day of June, 1992, comes on for hearing the petition for vacation filed by Douglas E. Cary and Russell A. Johnston, praying for the vacation of the following described utility easement, to-wit:

The 20-foot utility easement as platted adjacent to the south line of Lot 1, Block 1, of the Donald Cary Addition, Wichita, Sedgwick County, Kansas. Except the east 30-foot thereof.

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 Reporter of notice of this vacation proceeding for consecutive weeks on 6-2-92 & 6-9-92.
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.

8.00

City Clerk

150000 187

Vacation Order
V-1767
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1992, 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.

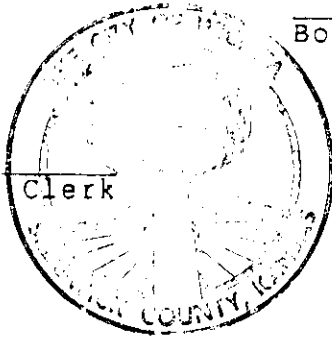


Bob Knight, Mayor

ATTEST:

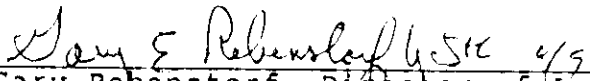


Pat Burnett, Deputy City Clerk



FILED
OFFICE OF RECORDS

Approved as to Form:



Gary Rebenstorf, Director of Law

STATE RECORDS
OFFICE

8-00

21224071

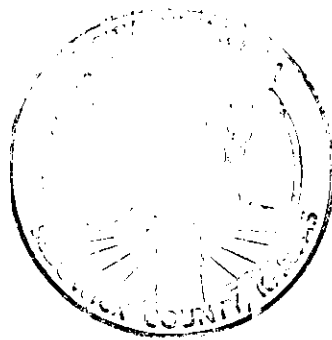
STATE REGISTER
OF DEEDS

*and
copy to*

State of Kansas)
Sealed County)
City of Wichita)
Pat Burnett, Deputy City Clerk of the City
of Wichita, Kansas hereby certifies that the document
to which this attestation is made is a true and correct copy of
the original as shown to me by the City Clerk
of the City of Wichita, Kansas.

June 16, 1992

Pat Burnett, Deputy City Clerk



Approved by Board of Commissioners
APR 25 1981

EASEMENT

THIS EASEMENT made this 22nd day of April, 1981
by and between P.M.A., Inc.
of the first part and City of Wichita, Kansas
of the second part.

WITNESSETH: that the said first party, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto the said second parties a perpetual right of way and easement for the purpose of constructing, maintaining, and repairing their Sanitary Sewer, over, along under the following described real estate situated in Sedgwick County, Kansas, to wit:

The following is a description of a Sanitary Sewer Easement located in the southeast quarter of Section 8, Township 27 south, Range 2 east of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the southeast corner of Section 8, Township 27 south, Range 2 east of the 6th P.M., Sedgwick County, Kansas; thence N 00° 00' 00" E, along the east boundary line of said Section 8, 1452.56 feet; thence leaving said east boundary line of Section 8, N 90° 00' 00" W, 87.08 feet to a point on the west edge of a 33 foot Cities Service Gas Company Easement, also being the point of beginning; thence along said west edge of the Cities Service Gas Company Easement S 0° 11' 39" W, 1392.60 feet; thence S 89° 58' 50" W, parallel to the south boundary of the southeast quarter of Section 8, Township 27 south, Range 2 east of the 6th P.M., 1243.63 feet to a point on the east boundary of Country Places Estates, an addition to Sedgwick County, Kansas; thence along said east boundary N 0° 06' 10" E, 120 feet; thence S 89° 53' 50" E, 20 feet; thence S 0° 06' 10" W, 94.96 feet; thence N 89° 58' 50" E, 1221.67 feet; thence N 0° 11' 39" E, 330.03 feet; thence N 90° 00' 00" W, 10.00 feet; thence N 0° 11' 39" E, 80.00 feet; thence N 90° 00' 00" E, 10.00 feet; thence N 0° 11' 39" E, 987.87 feet; thence N 90° 00' 00" E, 2.00 feet to the point of beginning.

And said second party are hereby granted the right to enter upon said premises at any time for the purpose of constructing, operating, maintaining, and repairing their Sanitary Sewer, including the right to open and excavate in any streets or ways that may be constructed on the surface of said easements, provided that upon completion of the necessities of grantee's operations the surface of such easements shall be restored as nearly as possible to its original condition.

IN WITNESS WHEREOF: The said first party, has signed these presents the day and year first written.

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
MAY 12 1981
BETTE P. MCCART
CLERK OF COURTS

PMA Inc
Paul J. Foley Jr
Paul J. Foley Jr

STATE OF KANSAS
SEDGWICK COUNTY 881

Let Retain Original

Personally appeared before me a notary public in and for the County and State aforesaid PAUL J. FOLEY JR. to me personally known to be the same person who executed the foregoing instrument of writing and said person duly acknowledged the execution thereof.

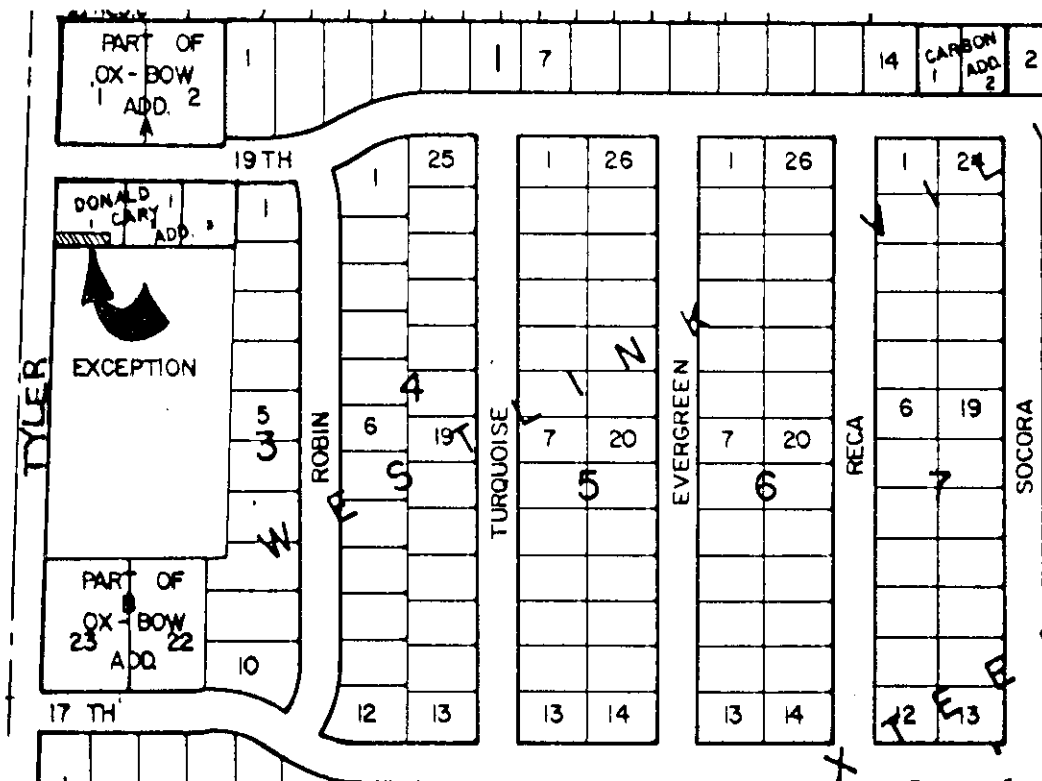
Dated at Wichita this 22 day of April, 1981

ALAN BURKE
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Expires

[Signature]
Notary Public

My Appointment Expires: Jan. 19, 1985

5-00
City Clerk



Application Filed 4/27/92
 S/D Comm. Action App 5/14/92
 M.A.P.C. Action 5/21/92 App.

W.C.C. Action 6-16-92 APPROVED
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____