Planning Agenda Item #_____

City of Wichita
City Council Meeting
May 5, 1992

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **PUBLIC HEARING V-1757 - REQUEST TO VACATE A UTILITY EASEMENT LOCATED WET OF MAIZE ROAD AND NORTH OF MAPLE.** (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: In order to build across a common lot line the applicant has requested to vacate the easement along the common lot line. City Engineering has indicated that no City utilities are involved. However, a substitute easement was requested by representatives of the utility advisory subcommittee. The applicant has submitted the requested substitute 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: Accept the substitute utility easement(s); close public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and utility easements; recording costs to be billed to:

150029-2909

FILM 1257 PAGE 1166

Approved / Accepted By City Council
This MAY 5 1992

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 WEST OF MAIZE ROAD AND NORTH OF MAPLE. (V-1757)

MORE FULLY DESCRIBED BELOW

V-1757

VACATION ORDER

NOW on this 5th day of May, 1992, comes on for hearing the petition for vacation filed by Gary Wiley. agent for Slawson Investment Corp., praying for the vacation of the following described utility easement, to-wit:

> The 10 foot utility easement common to Lot 8 and 9, Block 12, Oak Cliff Estates 3rd Addition to Wichita, Sedgwick County, Kansas; except the north 20 feet and the south 15 feet 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 4/21/92 and 4/28/92.

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 cl

City Clerk

150029 2909 8

Vacation Order
V-1757
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of May, 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

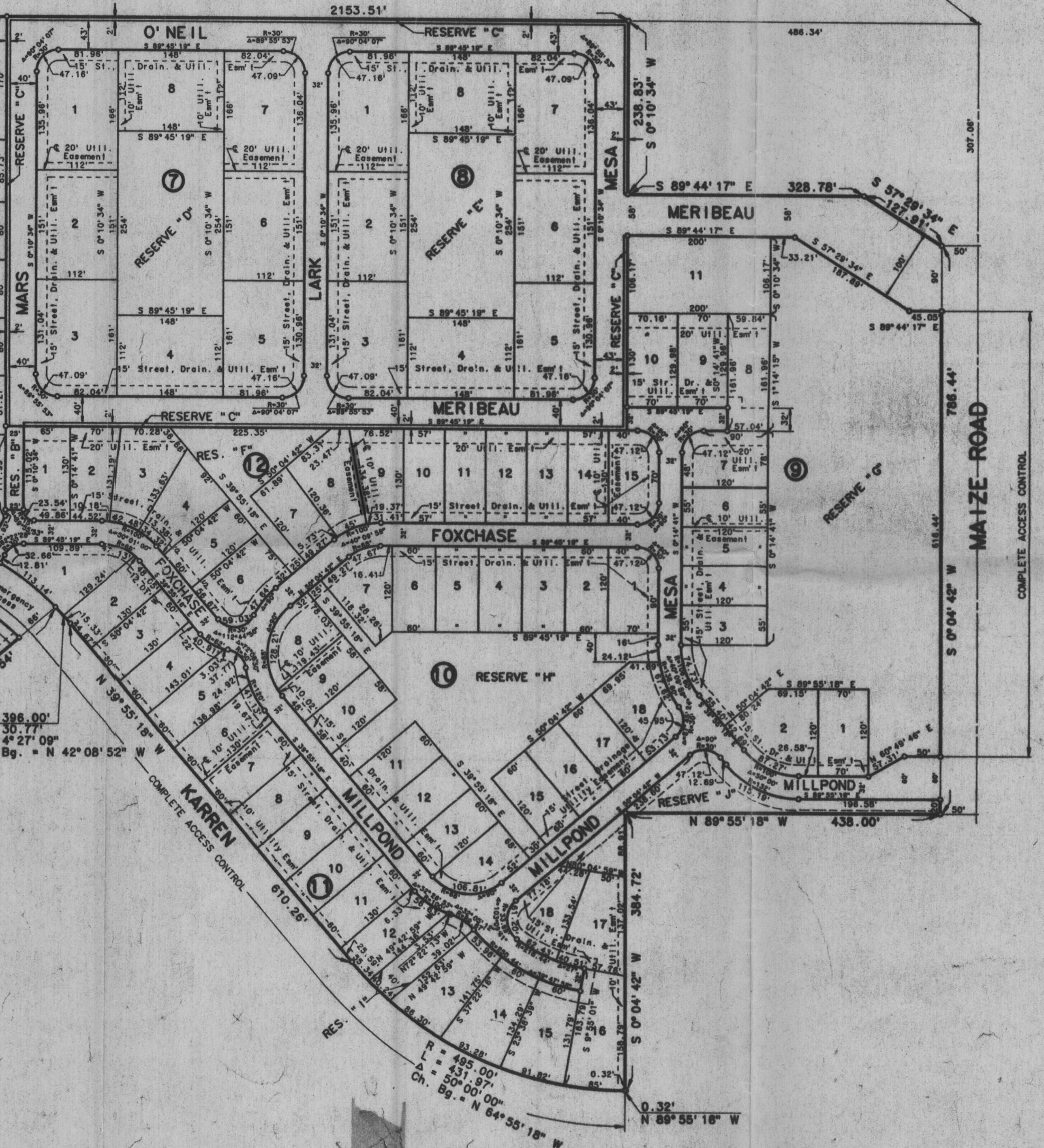
Approved as to Form:

Gary Rebenstorf, Director of Law

MICROFILMED
OF RECORD

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
10:00 A.M.
JUN 24 92 1218141
PAT KETTLER
REGISTER OF DEEDS
Ed Rasso
Deputy

State of Kansas }
Sedgwick County } ss
City of Wichita }
I, Pat Burnett, Deputy City Clerk of the City of Wichita, [illegible] that the document to which [illegible] is a correct copy of the [illegible] on file in the City Clerk's [illegible]
Given under [illegible] the City of Wichita, this May 5, 1992
Pat Burnett, Deputy City Clerk


2153.51'
O'NEIL
RESERVE "C"
MERIBEAU
MESA
MARS
LARK
RESERVE "D"
RESERVE "E"
RESERVE "G"
RESERVE "H"
RESERVE "J"
FOXCHASE
MILLPOND
KARREN
MAIZE ROAD
COMPLETE ACCESS CONTROL
S 89° 44' 17" E 328.78'
S 57° 29' 34" E 127.91'
S 57° 29' 34" E 187.89'
S 0° 10' 34" W 238.83'
S 0° 04' 42" W 384.72'
N 89° 55' 18" W 438.00'
786.44'
307.06'
486.34'
396.00'
30.77'
4° 27' 09"
Bg. = N 42° 08' 52" W
610.26'
R = 495.00'
L = 431.97'
Δ = 50° 00' 00"
Ch. Bg. = N 64° 55' 18" W
0.32'
N 89° 55' 18" W