

Planning Agenda Item # _____

City of Wichita
City Council Meeting
April 7, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1755 - REQUEST TO VACATE AN UTILITY
EASEMENT LOCATED WEST OF ROCK ROAD AND SOUTH OF 13TH STREET
NORTH.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of sanitary sewer easement.

MAPC Recommendation: Approve vacation of sanitary sewer easement.
(unanimous)

Background: This easement was granted by separate instrument to serve a planned apartment complex. A change in development plans now make this easement unnecessary. Both City Engineering and the utility representatives of the Subdivision and Utility Advisory Committee indicate that 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 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 4-7-92

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

V 1755

IN THE MATTER OF THE VACATION OF)
A PUBLIC SANITARY SEWER EASEMENT)
GRANTED BY SEPARATE DOCUMENT.)

GENERALLY LOCATED WEST OF ROCK ROAD)
AND SOUTH OF 13TH ST. NORTH. (V-1755))

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 7th day of April, 1992, comes on for hearing the petition for vacation filed by Gary Wiley agent for State Farm Mutual Automobile Ins. Co., praying for the vacation of the following described sanitary sewer easement, to-wit:

That part of the sanitary sewer easement, exhibit "C" (Line No. 3), as recorded on Film 1093, Pages 1088 and 1091 within the west 440 feet of Lot 2, Block 1, Fairfield Estates, Wichita, Sedgwick County, Kansas. More specifically described as, a 15-foot sanitary sewer easement 7.50 feet on either side of the following described line: Beginning at a point in the north line and 33.67 feet east of the northwest corner of Lot 2, Block 1, Fairfield Estates, Wichita, Sedgwick County, Kansas; said north line having a bearing of S89°33'53"E; thence bearing S51°31'24"W a distance of 374.29 feet; thence bearing N68°03'38"W a distance of 84.27 feet; thence bearing N42°12'03"W a distance of 99.63 feet to the point of ending.

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 3/25/92 & 4/1/92.
2. No private rights will be injured or endangered by the vacation of the above-described sanitary sewer 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.

8.00 ck

City Clerk

150029 2909 8

Vacation Order
V-1755
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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.

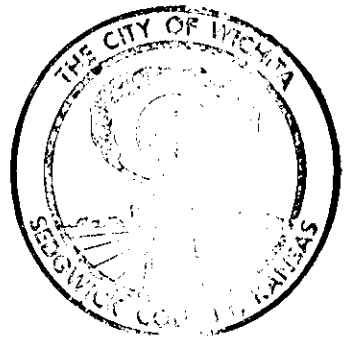
5. The vacation of the sanitary sewer easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of April, 1992, ordered that the above-described sanitary sewer 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

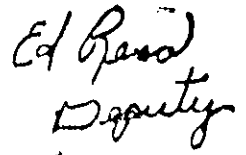



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OF RECORD

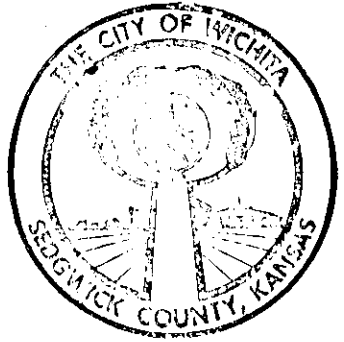
Approved as to Form:

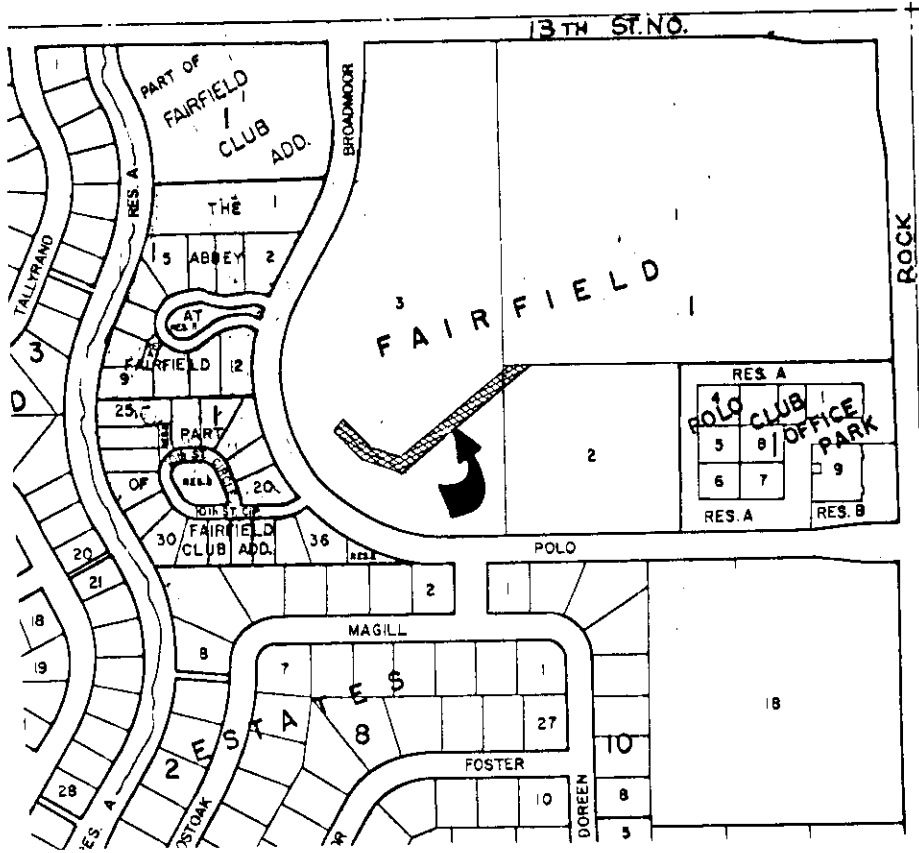

Gary Rebenstorf, Director of Law

STATE OF KANSAS) ss
SEDCWICK CO.)
FILED) PAT
10:00 a
JUN 24 1992 1218140

PAT KETTLER
REGISTER OF DEEDS

Deputy

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 April 7, 1992
 Deputy City Clerk





Application Filed 2/14/92

S/D Comm. Action App 3/5/92

M.A.P.C. Action 3/12/92 App

W.C.C. Action 4/7/92 App

Bd. Co. Co. Action _____

Order to Vacate Recorded _____

Recorded April 7, 1992