

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 19, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1836; Request to vacate utility easement and sewer easement, generally located west of Rock and south of 37th Street North. (District # 2).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kroust

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a platted utility easement and sanitary sewer easement. As this site is within an approved Community Unit Plan (DP-195), applicant has been advised that all requirements and conditions should be reviewed. A lot split (L/S-0868) has also been filed by applicant for this site. Staff and MAPC have recommended approval because substitute easements have been provided by applicant, the relocation of easements will not affect the delivery of sewer or drainage services for this site, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS:

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

150029-2909.

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

IN THE MATTER OF THE VACATION OF)
THOSE PORTIONS OF UTILITY EASEMENT)
AND DRAINAGE EASEMENT)

GENERALLY LOCATED SOUTH OF)
37TH STREET NORTH AND WEST OF)
ROCK ROAD)

MAPD CASE NO. V-1836

MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 19th day of October, 1993, comes on for hearing the petition for vacation filed by Star Lumber & Supply Company praying for the vacation of the following described portion of utility easement and drainage easement, to-wit:

That portion of drainage easement described as:

Commencing at the Northwest corner of Lot 1, Block 1, Comotara Power Center, an addition to Wichita, Sedgwick County, Kansas; thence S 01°04'59" E, 40.00 feet; thence N 88°54'38" E, 70.45 feet to the point of beginning; thence 28.84 feet along a curve to the right, said curve having a delta of 27°32'34", a radius of 60.00 feet and a long chord of 28.57 feet bearing N 75°08'21" E; thence N 88°54'38" E, 378.01 feet; thence S 83°49'33" E, 28.06 feet; thence S 01°05'22" E, 26.31 feet; thence S 56°05'22" E, 378.40 feet; thence S 01°05'22" E, 31.80 feet; thence S 88°54'38" W, 24.32 feet; thence N 56°05'22" W, 474.04 feet; thence S 88°54'38" W, 330.92 feet to the point of beginning,

and,

10 00
ck

City Clerk

10 00 10 10 10 10

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That portion of water line utility easement described as:

Commencing at the Northwest corner of Lot 1, Block 1, Comotara Power Center, an addition to Wichita, Sedgwick County, Kansas; thence S 01°04'59" E, 207.73 feet; thence N 89°03'37" E, 90.00 feet to the point of beginning; thence N 89°03'37" E, 127.73 feet; thence 219.43 feet along a curve to the right, said curve having a delta of 48°51'50", a radius of 257.29 feet and a long chord of 212.84 feet bearing S 66°30'28" E; thence S 42°04'33"E, 47.91 feet; thence S 88°54'38" W, 26.49 feet; thence N 42°04'33" W, 30.53 feet; thence 202.37 feet along a curve to the left, said curve having a delta of 48°51'50", a radius of 237.29 feet and a long chord of 196.29 feet bearing N 66°30'28"W; thence S 89°03'37" W, 127.71 feet; thence N 01°04'59" W, 20.00 feet 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 Reporter of notice of this vacation proceeding for consecutive weeks on 10/4 & 11/93.
2. No private rights will be injured or endangered by the vacation of the above-described portions of utility easement and drainage 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 portions of utility easement and drainage easement described herein should be approved.

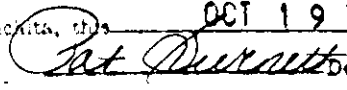
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October, 1993, ordered that the above-described portions of utility easement and drainage easement are hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

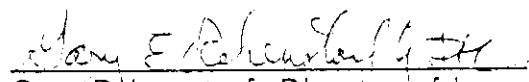

Elma Broadfoot, Mayor

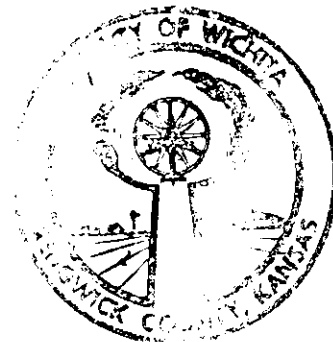
ATTEST:


Pat Burnett, Deputy City Clerk

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 OCT 19 1993
 Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



STATE OF KANSAS
DEEDS
FILED
8-000-1
DEC 13 1993 10:42:18
DAVID E. OTTLER
REGISTER OF DEEDS

