

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
June 15, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1811; Request to vacate a portion of a utility easement, generally located north of Central and east of Tyler. (District #5).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a portion of a public utility easement, granted by separate instrument, for the provision of sanitary sewer. Applicant is expanding their business enterprise, and constructing an additional building. Though sanitary sewer was located in this easement, it has been abandoned at the expense of the applicant. Staff and MAPC have recommended approval because this will provide applicant with increased and sufficient buildable area for expansion, and 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; record the certified copy of the Order, recording costs to be billed to:

150029-2909.

MICROFILMED
OF RECORD

Approved / Accepted By City Council
This JUN 15 1993

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF A
UTILITY EASEMENT

GENERALLY LOCATED NORTH OF CENTRAL AND
EAST OF TYLER

Case No. V-1811

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 15th day of JUNE, 1993, comes on for hearing the
petition for vacation filed by AFFILIATED PROPERTY SERVICES, praying
for the vacation of the following described utility easement, to-wit:

A portion of the easement dedicated by separate instrument
dated 26 April 1984 and recorded on film 660 page 1116
described as: A strip of land across part of Lot 1, Tyler
Acres Sixth Addition, Wichita, Kansas, more particularly
described as follows: Commencing at the S. E. Corner of
said Lot 1; thence westerly along the south line of said Lot
1, 4.77 feet; thence northwesterly with a deflection angle
to the right of 8°51'55", 430.14 feet to the point of
beginning; thence southerly with a deflection angle to the
left of 98°51'55" parallel with the west line of said Lot 1,
10.12 feet; thence northwesterly with a deflection angle to
the right of 98°51'55", 56.42 feet; thence northeasterly
with a deflection angle to the right of 90°, 20 feet; thence
southeasterly with a deflection angle to the right of 90°,
53.30 feet; thence southerly with a deflection angle to the
right of 81°08'05" parallel with the west line of said Lot
1, 10.12 feet to the point of beginning. (V-1811)

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 5/14/93 & 5/21/93.

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.

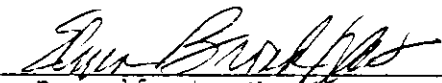
4. No written objection to said vacation has been filed
with the City Clerk by any owner or adjoining owner who would be a
proper party to the petition.

150029
2909
8'

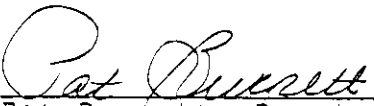
Vacation Order
V-1811
Page 2 of 2

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June, 1993, 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.


Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



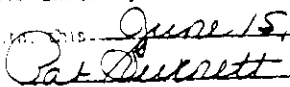
STATE OF KANSAS) ss
SEDOX)
FILED)
8-00d

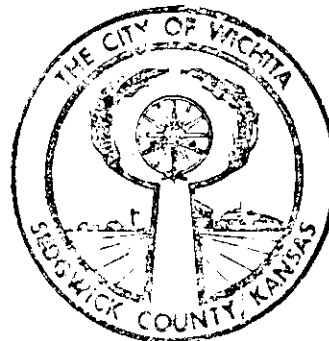
JUL 27 93 1308307

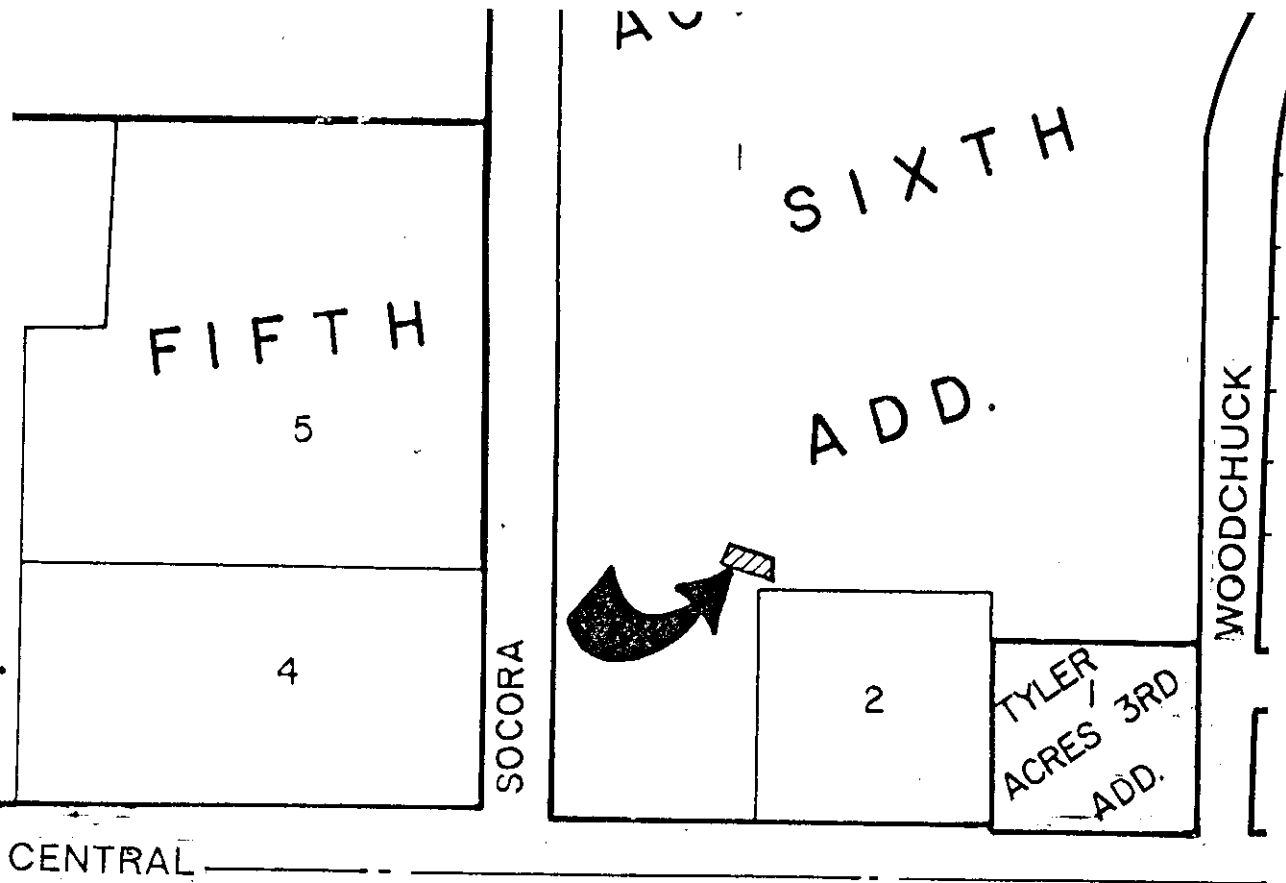
PAT KETTLER
REGISTER OF DEEDS

Ed Broad
County

State of Kansas)
Sedgwick County) ss
City of Wichita)
Pat Burnett, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
attached to this is affixed is a true and correct copy of
the original on file in the office the the City Clerk.
Given under my hand and seal of the City of

Wichita, this June 15, 1993
 Deputy City Clerk





Application Filed 4/12/93
S/D Comm. Action 4/29/93 *App*
M.A.P.C. Action 5/6/93 *App*

W.C.C. Action 6-15-93 *App*
Bd. Co. Co. Action _____
Order to Vacate Recorded

July 27 1993