

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 5, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1798 REQUEST TO VACATE EASEMENTS LOCATED
SOUTH OF 13TH STREET NORTH AND WEST OF ROCK ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department

W. Kront

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of easements.

MAPC Recommendation: Approve vacation of easements. (unanimous)

Background: These drainage, utility and sanitary sewer easements were granted to the public by separate instruments to serve a specific development plan. The applicant, however, is no longer intending to develop the site in the original manner. City Engineering and the utility representatives of the Subdivision Committee indicate that no improvements have been made in these easements and no harm would result by their vacation.

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

150029-2909



Page 1 of 2

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

IN THE MATTER OF THE VACATION OF
UTILITY, DRAINAGE AND SANITARY SEWER
EASEMENTS GRANTED BY SEPARATE INSTRUMENT.)

GENERALLY LOCATED WEST OF ROCK ROAD AND
NORTH OF POLO. (V-1740)

MORE FULLY DESCRIBED BELOW

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 DEC 3 1991
Pat Burnett Deputy City Clerk

VACATION ORDER

NOW on this 3rd day of December, 1991, comes on for hearing
the petition for vacation filed by Gary Wiley for Fairfield Partners,
praying for the vacation of the following described easements, to-wit:

Drainage Easements

That part of the drainage easement, Exhibit "A"
(Line 1), as recorded on Film 1093, Page 1071;

The drainage easement, Exhibit "D" (Line 4), as
recorded on Film 1093, Page 1074;

The drainage easement, Exhibit "E" (Stub of Line
4), as recorded on Film 1093, Page 1075;

All within the west 440 feet of Lot 2, Block 1,
Fairfield Estates, Wichita, Sedgwick County,
Kansas.

Utility Easements

That part of the utility easement, Exhibit "A"
(Line No. 1), as recorded on Film 1093, Page 1078
and 1079;

The utility easement, Exhibit "B" (Line No. 2), as
recorded on Film 1093, Page 1080;

The utility easement, Exhibit "C" (Line No. 2), as
recorded on Film 1093, Page 1081;

All within the west 440 feet of Lot 2, Block 1,
Fairfield Estates, Wichita, Sedgwick County,
Kansas.

COPY

Vacation Order
V-1740

Page 2 of 2

Sanitary Sewer Easements

The sanitary sewer easements, Exhibit "A" (Line No. 1), as recorded on Film 1093, Page 1089;

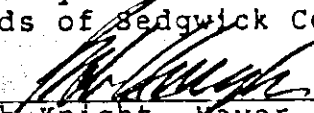
The sanitary sewer easement, Exhibit "B" (Line No. 2), as recorded on Film 1093, Page 1090;

All within the west 440 feet of Lot 2, Block 1, Fairfield Estates, Wichita, Sedgwick County, Kansas.

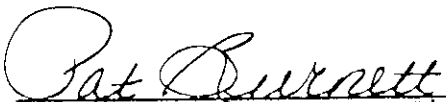
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 11-19-91 + 11-26-91.
2. No private rights will be injured or endangered by the vacation of the above-described easements, 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 easements described herein should be approved.

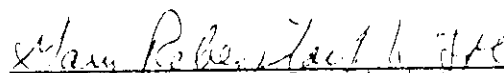
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 1991, ordered that the above-described easements is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

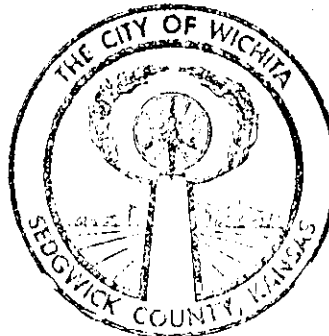

Bob Knight, Mayor BOB KNIGHT

ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:

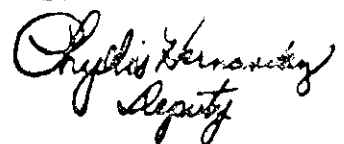

Gary Rebenstorf, Director of Law



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
6:15 P M

DEC 591 1175108

PAT KETTLER
REGISTER OF DEEDS


Cheryl Hernandez
Deputy

DRAINAGE EASEMENT

THIS EASEMENT made this 29th day of January,
19 90, by and between Fairfield Partners, a Kansas General Partnership of
the first part and the City of Wichita, 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, does hereby grant and convey unto the said second party a
perpetual right-of-way and easement for the purpose of constructing,
maintaining and repairing a drainage system, over, along and under the
following described real estate situated in Sedgwick County, Kansas, to wit:

SEE EXHIBITS "A", "B", "C", "D", "E", AND "F"

And said second party is hereby granted the right to enter upon said
premises at any time for the purpose of constructing, operating, maintaining
and repairing such drainage system.

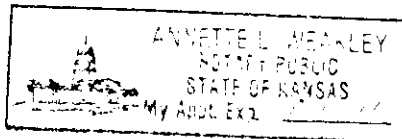
IN WITNESS WHEREOF: The said first party has signed these presents the
day and year first written.

STATE OF KANSAS }
SEDGWICK COUNTY } ss
FILED FOR RECORD AT
3-30-90
FEB 15 10 51 537
STATE OF KANSAS }
SEDGWICK COUNTY }
POST KETTLER
RECORDS & DEEDS

By: George Sherman
George Sherman, Vice President
Killarney Investments, Inc.
(a General Partner)

Personally appeared before me, a notary public, in and for the County
and State aforesaid George Sherman, Vice President of Killarney Investments, Inc.
to me personally known to be the same person(s) who executed the foregoing
instrument of writing and said person(s) duly acknowledged the execution
thereof.

Dated at Wichita, Kansas, this 29th day of January, 1990.



Annette L. Weasley
Notary Public

My Commission Expires 12/31/91

EXHIBIT "A"
DRAINAGE EASEMENT
(Line 1)

A 15-FOOT DRAINAGE EASEMENT IN LOT 3 AND PART OF LOT 2, BLOCK 1, FAIRFIELD ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS, BEING 7.50 FEET RIGHT AND 7.50 FEET LEFT OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT IN THE SOUTH LINE AND 84.20 FEET WEST OF THE SE CORNER OF LOT 3, BLOCK 1, IN SAID FAIRFIELD ESTATES, SAID SOUTH LINE HAVING A BEARING OF N89°33'53"W; THENCE BEARING N4°28'17"E A DISTANCE OF 84.64 FEET; AT THIS POINT THE EASEMENT CHANGES TO 7.0 FEET LEFT AND 8.0 FEET RIGHT OF THE FOLLOWING COURSE N86°01'34"E A DISTANCE OF 128.79 FEET, AT THE END OF THIS COURSE THE EASEMENT CHANGES BACK TO 7.50 FEET RIGHT AND 7.50 FEET LEFT AND CONTINUES BEARING N36°00'07"E A DISTANCE OF 62.83 FEET; THENCE BEARING N50°33'50"W A DISTANCE OF 248.17 FEET; THENCE BEARING N14°22'34"W A DISTANCE OF 97.87 FEET; THENCE BEARING N6°34'06"E A DISTANCE OF 181.46 FEET; THENCE BEARING N6°00'21"W A DISTANCE OF 61.47 FEET; THENCE BEARING N41°05'35"E A DISTANCE OF 48.70 FEET TO THE POINT OF ENDING.

EXHIBIT "B"
DRAINAGE EASEMENT
(LINE #2)

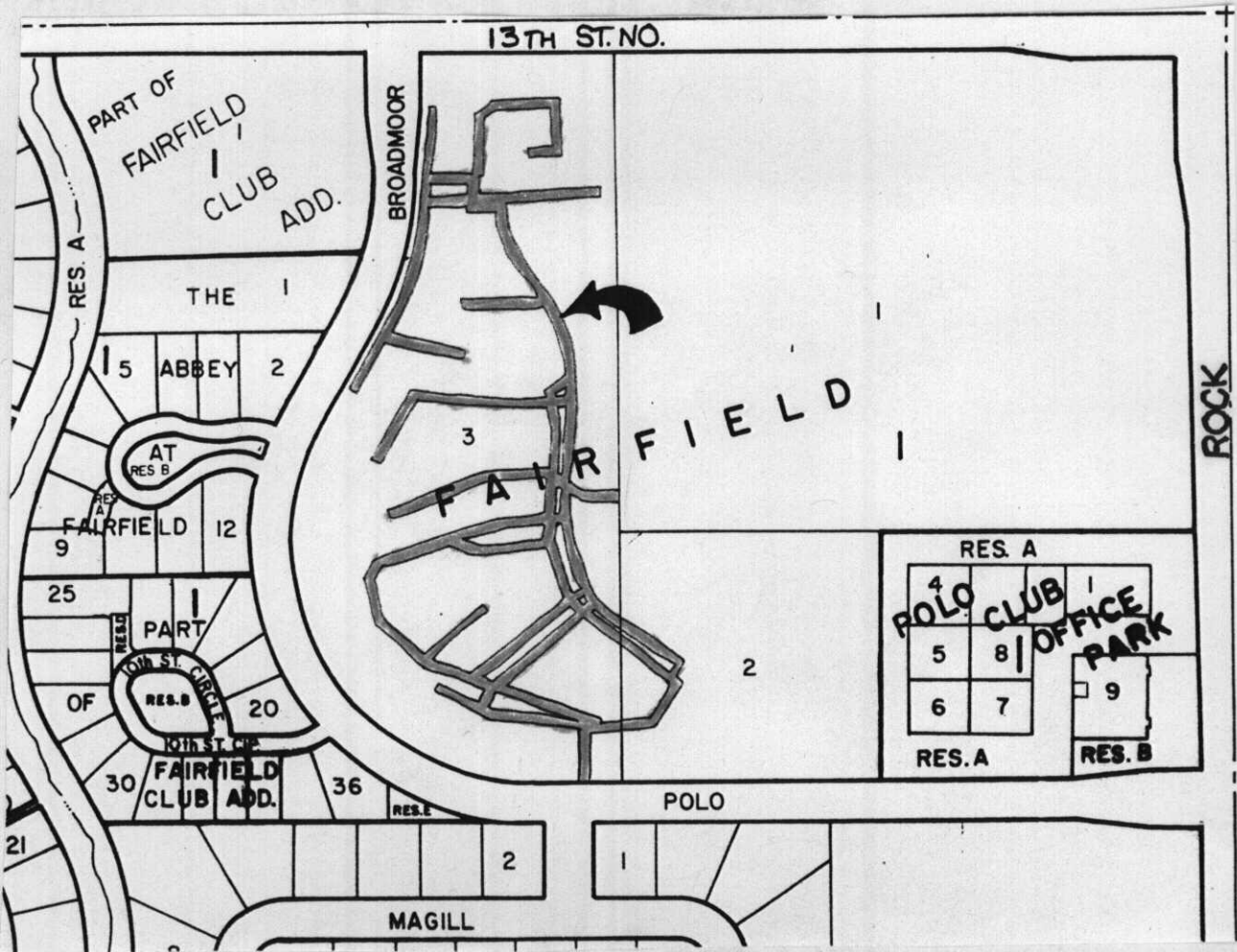
A 15-FOOT DRAINAGE EASEMENT IN LOT 3, BLOCK 1, FAIRFIELD ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS, BEING 8.0 FEET RIGHT AND 7.0 FEET LEFT OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SE CORNER OF SAID LOT 3; THENCE BEARING N0°00'00"E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 397.23 FEET; THENCE BEARING N90°00'00"W A DISTANCE OF 128.15 FEET TO THE POINT OF BEGINNING; THENCE BEARING S83°57'43"W A DISTANCE OF 117.83 FEET; THENCE BEARING N67°57'09"W A DISTANCE OF 49.00 FEET TO THE POINT OF ENDING.

EXHIBIT "C"
DRAINAGE EASEMENT
(LINE 3)

A 15-FOOT DRAINAGE EASEMENT IN LOT 3, BLOCK 1, FAIRFIELD ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS, BEING 7.50 FEET RIGHT AND 7.50 FEET LEFT OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTH LINE AND 84.20 FEET WEST OF THE SE CORNER OF LOT 3, BLOCK 1, IN SAID FAIRFIELD ESTATES, SAID SOUTH LINE HAVING A BEARING OF N89°33'53"W; THENCE BEARING N4°28'17"E A DISTANCE OF 84.64 FEET TO THE POINT OF BEGINNING; THENCE BEARING S76°25'30"W A DISTANCE OF 68.00 FEET TO THE POINT OF ENDING.

EXHIBIT "F"
DRAINAGE EASEMENT
(STUB OFF LINE 1)

A 15-FOOT DRAINAGE EASEMENT IN LOT 3, BLOCK 1, FAIRFIELD ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS, BEING 7.50 FEET RIGHT AND 7.50 FEET LEFT OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SE CORNER OF SAID LOT 3; THENCE BEARING N0°00'00"E ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 302.44 FEET; THENCE BEARING N90°00'00"W A DISTANCE OF 103.85 FEET TO THE POINT OF BEGINNING; THENCE BEARING N64°20'27"E A DISTANCE OF 37.00 FEET TO THE POINT OF ENDING.



. Application Filed 11/23/92
 S/D Comm. Action 12/10/92
 M.A.B.C. Action 12/17/92
 Approved

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____