

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 18, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2017 REQUEST TO VACATE BUILDING SETBACK AND MAINTENANCE ACCESS EASEMENT LOCATED IN AN AREA NORTH OF LINCOLN AND WEST OF WEBB.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of building setback and maintenance access easement.

MAPC Recommendation: Approve vacation of building setback and maintenance access easement. (unanimous)

Background: The applicant is requesting the vacation of a building setback and maintenance access easement in order to construct a multi-car garage to be used by the residents of the Lincoln Meadows Apartment complex. Once constructed the garage will back directly up to a drainage dedication, therefore access to any utilities will be maintained through the drainage dedication. City Engineering has indicated that this vacation is acceptable.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: 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

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

IN THE MATTER OF THE VACATION OF)
BUILDING SETBACK AND/OR MAINTENANCE)
EASEMENT)
)
GENERALLY LOCATED)
IN LINCOLN MEADOWS ADDITION LOCATED)
NORTH OF LINCOLN AND WEST OF WEBB)
)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS)
SEDGWICK COUNTY) SS
FILED FOR RECORD AT
8:00A M

Case No. V-2017 1595008 2-45

LARRY CONSOLVER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 18th day of March, 1997, comes on for hearing the petition for vacation filed by Paul Winger, President, Lincoln Meadows, Inc., praying for the vacation of the following described building setback and maintenance access easement, to-wit:

A tract of land located in Lot 1, Block 1, Lincoln Meadows Addition to Wichita, Sedgwick County, Kansas, described as follows: commencing at the center section of Section 29, Township 27 South, range 2 East, thence N89°54'E, 377.30 feet; thence S48°36'28"E, 188.47 feet to a point on the north line of Lincoln Street; thence northeasterly along said north line of Lincoln Street on a curve to the right, said curve having a radius of 370 feet and a curve angle of 48°30'28", 313.25 feet to a point on the south line of said Lot 1; thence S89°54'00"W along the line of said Lot 1, 285.62 feet; thence N38°4'W along the line of said Lot 62.84 feet thence continuing northwesterly along the line of said Lot 1 on a curve to the left, said curve having a radius of 150 feet and a central angle of 43°03', 112.70 feet to a Point of Beginning; thence N81°45'W, 211.64 feet; thence N8°15'E, 15 feet; thence S81°45'E, 211.64 feet; thence S8°15'W, 15 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 3/7/97 & 3/14/97.

2. No private rights will be injured or endangered by the vacation of the above-described building setback and access maintenance easement, and the public will suffer no loss or inconvenience thereby.

City of Wichita City Clerk

8.00
150029 2909

V-2017

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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 building setback and maintenance access easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of March, 1997, ordered that the above-described building setback and maintenance access 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.



[Signature]

Bob Knight, Mayor

ATTEST:

[Signature]

Pat Burnett, City Clerk

state of Kansas)
Sedgwick County) ss
City of Wichita)
I, *Kathy Pewewardy*, Dep 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 the the City Clerk.
Given under my hand and seal of the City of Wichita, this 20th day of March, 1997
Kathy Pewewardy Dep City Clerk

Approved as to Form:

[Signature]

Gary Rebenstorf, Director of Law

150029 2 909

