

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 15, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2076 REQUEST TO VACATE A
SANITARY SEWER EASEMENT AND UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF 21ST STREET NORTH
AND EAST OF ROCK ROAD. (District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a sanitary sewer easement and utility easement.

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

Background: The applicant is requesting vacation of a 30 foot sanitary sewer easements that runs north south through this lot, and a 5 foot portion of the 20 foot utility easement that runs along the east and south lot line. This would increase the available building area on Parcel 2, Bradley Fair 3rd Addition. The applicant is proposing to construct three additional buildings on this site. A new sanitary easement will be dedicated five feet west of the present sanitary sewer easement which runs north-south through this lot.

Public Works has reviewed and approved the vacation of this easement. The Planning Commission approved this request subject to dedicating a new easement which is being completed through this request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

The City Clerk should record the dedication of the sanitary sewer easement with the register of Deeds.

Recommendations/Actions: Close the public hearing; approve the Vacation Order, and accept the dedication; authorize the Mayor to sign.

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OF RECORD

FILM 1863 PAGE 1305
Accepted By City Council
DEC 15 1998

Page 1 of 2
STATE OF KANSAS) ss
CITY OF WICHITA)

Dec 13 8 05 AM '99

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

IN THE MATTER OF THE VACATION OF)
A SANITARY SEWER AND UTILITY)
EASEMENT)

GENERALLY LOCATED)
SOUTH OF 21ST STREET NORTH AND)
EAST OF ROCK ROAD)

MORE FULLY DESCRIBED BELOW)

Case No. V-2076

J. Breelan
Deputy

VACATION ORDER

NOW on this 15th day of December, 1998, comes on for hearing the petition for vacation filed by Vantage Point Properties, Inc., praying for the vacation of the following described a sanitary sewer and utility easement, to-wit:



A 30 foot sanitary sewer easement being 15 foot right and left of the following described centerline. Commencing at the northeast corner of Lot 2, block 1, Bradley Fair 3rd Addition to Wichita, Sedgwick County, Kansas; thence bearing S 89°06'32"W along the north line of said Lot 2 a distance of 446.33 feet to the point of beginning; thence bearing S 05°18'57"E a distance of 709.53; thence S 11°57'54"E a distance of 127.12 feet to a point in the easterly line and 166.05 feet northeasterly from the southeast corner of said Lot 2.

Vacate north and west 5 feet of 20 foot utility easement along the south and east 20 feet of Lot 2, Block 1, Bradley Fair 3rd Addition, to 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 one time 11-25-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a sanitary sewer and 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.

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

g. ac

Vacation Order
V - 2076

Page 2 of 2

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 and utility easement described herein should be approved, subject to the following condition:

- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.
- B) The applicant shall dedicate a thirty foot sanitary sewer easement five feet west of the vacated easement. This easement should retain the same dimensions as the vacated easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of December, 1998, ordered that the above-described a sanitary sewer and 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.



ATTEST:

Pat Burnett
Pat Burnett, City Clerk

Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary S. Rebenstorf
Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, 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 orig-
inal on file in my office.
Given under my hand and seal of the City of
Wichita, this DEC 15 1998
Pat Burnett City Clerk

STATE OF KANSAS
DEC 16 11 23 AM '98
OFFICE OF THE
CLERK OF THE DISTRICT COURT

TWENTY FIRST ST. NO.

RES. C.

BRADLEY FAIR PARKWAY

BRADLEY

FAIR 3RD

ADD.

ADLEY
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