

Planning Agenda # _____

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

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2126 REQUEST TO VACATE THE WEST 70 FOOT OF A 20 FOOT WIDE SANITARY SEWER EASEMENT LOCATED IN AN AREA NORTH OF CENTRAL AND EAST OF TYLER. 8200 W. CENTRAL. (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of the west 70 foot of a 20 foot wide sanitary sewer easement.

MAPC Recommendation: Approve vacation of the west 70 foot of a 20 foot wide sanitary sewer easement.. (unanimous)

Background: The applicant is requesting to vacate a sanitary sewer easement which was originally dedicated by separate instrument to allow for the expansion of an existing building. A 53 feet segment of the utility easement just west of this segment was vacated in 1995 (V-1811).

Public Works has reviewed and approved the vacation request. The Subdivision Committee and the MAPC both voted unanimously to approve the requested vacation subject to applicant either abandoning the sanitary sewer line or providing a guarantee for the abandonment of this line. The applicants have completed the abandonment of the sewer line.

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.

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

1778432 23

Accepted By City Council

This DEC 15 1998

MICROFILMED
OF RECORD

Page 1 of 2

FILM 900 PAGE 0306

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

IN THE MATTER OF THE VACATION OF)
THE WEST 70 FOOT OF A 20 FOOT)
WIDE SANITARY SEWER EASEMENT)
)
GENERALLY LOCATED)
NORTH OF CENTRAL AND EAST OF TYLER)
)
)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS } ss
SEDCWICK COUNTY }

Mar 23 12 40 PM '99

Case No. V-2126



S. Christensen
Deputy

VACATION ORDER

NOW on this 15th day of December, 1998, comes on for hearing the petition for vacation filed by West Wichita Family Practice, %Chad Zernikow, praying for the vacation of the following described sanitary sewer easement, to-wit:

The west 70 feet of a twenty foot wide of the original sanitary sewer easement located in Lot 1, Tyler Acres Sixth Addition, Wichita, Kansas, as described as recorded at Film 660, Page 1116 to wit:

A strip of land across part of Lots 1 and 2, Tyler Acres Sixth Addition, Wichita, Kansas, being 20 feet in width lying 10 feet on each side of the following described center line: Commencing at the S.E. Corner of said Lot 1; thence westerly along the south line of said Lot 1, 4.77 feet to the point of beginning; thence northwesterly with a deflection angle to the right of 85°1'55", 435 feet to the end point, exclusive of existing easement, including a portion of easement previously vacated per the City of Wichita vacation case No. V-1811 as recorded at Film 1359, page 1787.

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 11-13-98, 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 the west 70 foot of a 20 foot wide sanitary sewer 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

8:00
CI

150003
862

Vacation Order
V - 2126

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.

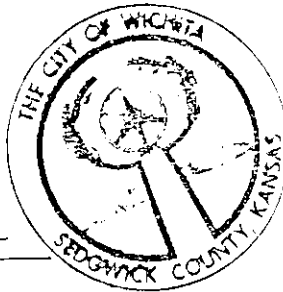
5. The vacation of the west 70 foot of a 20 foot wide sanitary sewer easement described herein should be approved, subject to the following condition:

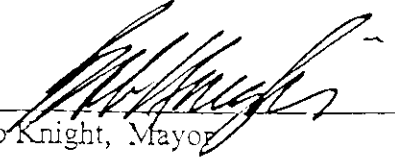
A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of December, 1998, ordered that the above-described the west 70 foot of a 20 foot wide sanitary sewer 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, City Clerk




Bob Knight, Mayor

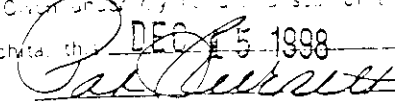
Approved as to Form:


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 to the document to which this is attached a true and correct copy of the original as the same appears.

Given under my hand and seal of the City of Wichita, this DEC 15 1998

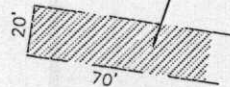
 City Clerk

EXHIBIT



LOT 1

Esmt to be vacated



20'

70'

San. Sewer

esmt

Film 660,

Page 1116

10'

utility esmt

TYLER ACRES SIXTY ADDITION

LOT 2

10' utility easement

WOODCHUCK

CENTRAL AVENUE