

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1348 - VACATION OF A PORTION OF A PLATTED UTILITY EASEMENT
GENERALLY LOCATED NORTH OF 29TH STREET NORTH IN AN AREA EAST OF
OLIVER.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above-identified vacation request has been filed in the Office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The applicant shall submit a signed vacation petition.
- F. The applicant shall grant, by separate instrument, the substitute utility easement required through the center of this lot. Based upon a drawing submitted with the vacation application, it appears that this easement will need to be granted from the north line of 29th Street to the south line of the floodway on the west 20 feet of the east 110 feet of the lot.
- G. The vacation order shall exclude from vacation that portion of the utility easement which lies west of and adjacent to the substitute utility easement required by this case. The legal description for that part of the utility easement to be vacated shall be approved by City Engineering prior to preparing the Vacation order, Petition and Notice.

ACTION: Close the public hearing, approve the vacation request, accept the utility easement, authorize the Mayor to sign the Vacation Order and instruct the City Clerk to file a certified copy of the order and utility easement with the Sedgwick County Register of Deeds.

VACATION CASE DATA

LEGAL DESCRIPTION:

The utility easement lying within the east 110 feet of Lot 1, East Wind Addition, Wichita, Sedgwick County, Kansas.

APPLICANT: Frank Caro, et al, c/o Bill G. Yung Design, 8225 East 35th Street North, Wichita, KS 67226

PROTESTORS: None before the Subdivision Committee or Metropolitan Area Planning Commission.

COMMENTS: The utility easement being accepted by the Commission is the instrument required by Item "F" of the M.A.P.C. conditions.

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BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

Approved by Board of Commissioners
this OCT 29 1985

IN THE MATTER OF THE VACATION OF A PORTION
OF A PLATTED UTILITY EASEMENT.

GENERALLY LOCATED NORTH OF 29TH STREET
NORTH IN AN AREA EAST OF OLIVER. (V-1348)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
7:00 A M

NOV 19 1985

NO. 7 77520

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

*Ed Peraz
Deputy*

VACATION ORDER

NOW on this 29th day of October, 1985, comes on for hearing the
petition for vacation filed by Bill G. Yung, praying for the vacation of the
following-described utility easement, to-wit:

The utility easement lying within the east 110 feet of
Lot 1, East Wind Addition, Wichita, Sedgwick County,
Kansas. (MAPC NO. V-1348)

The City Commission, 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 re-
quired by law, by publication in the Daily Record of notice of this vaca-
tion proceeding for consecutive weeks on OCT 16 & 23, 1985.

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.

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

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS,
on this 29th day of October, 1985, 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.

R. C. Brown
R. C. Brown, Mayor

ATTEST:

Donald C. Sisick
Donald C. Sisick, City Clerk

Approved as to Form:

John Dekker mTRP
John Dekker, Director of Law

City Clerk

