

City of Wichita
City Commission Meeting
November 25, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1425 - REQUEST TO VACATE A PORTION OF A PLATTED
UTILITY EASEMENT, LOCATION IN AN AREA WEST OF
WILDERNESS AND SOUTH OF 29TH STREET NORTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Steven K. Miller, et al, 126 S. 7th Street, Kiowa, Kansas 67070 is requesting this vacation to create more buildable lot area. No utility lines exist in the portion of easement requested for vacation.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The applicant shall meet with Southwestern Bell to determine if this utility company has a utility line on the portion of easement requested for vacation.

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

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

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

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

GENERALLY LOCATED IN AN AREA WEST OF
WILDERNESS AND SOUTH OF 29TH STREET
NORTH. (V-1425)

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
1-00 P.M.

DEC 31 1986

NO. 8 55208

PAT KETTLER
REGISTER OF DEEDS

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

Ed Peraz
Deputy

Approved by Board of Commissioners

this NOV 25 1986

VACATION ORDER

NOW on this 25th day of November, 1986, comes on for hearing the
petition for vacation filed by Nies Construction Inc. and Steven K. Miller, praying
for the vacation of the following described portion of a platted utility easement,
to-wit:

The east 12 feet of the west 30 feet of Lot 26, Block 3,
Wilderness, an Addition to Wichita, Sedgwick County, Kansas.
(V-1425)

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 required by
law, by publication in the Daily Record of notice of this vacation proceeding for
consecutive weeks on NOV 12-18, 1986.

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
25th day of November, 1986, 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.

ATTEST:

Tony Casado
Tony Casado, Mayor

Donald C. Gisick
Donald C. Gisick, City Clerk

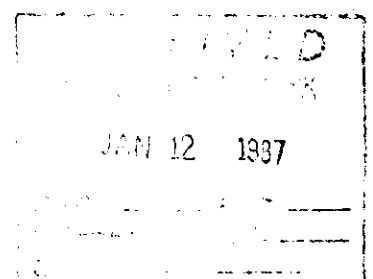
Approved as to Form:

John Dekker
John Dekker, Director of Law

acting

goc

City Clerk



- TWENTY NINTH ST. NO.

