

City of Wichita
City Commission Meeting
July 8, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1380 - REQUEST TO VACATE UTILITY EASEMENT, GENERALLY
LOCATED AT THE SOUTHWEST CORNER OF KELLOGG AND BLUFF.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Ernest H. Doyon, 3941 E. Kellogg, Wichita, KS 67218, is requesting this vacation to satisfy a condition of approval for a Board of Zoning Appeals case.

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. The applicant shall guarantee the abandonment of the sanitary sewer lateral located in the utility easement being vacated;
5. The applicant shall guarantee the construction of a sanitary sewer manhole to terminate the sanitary sewer line;
6. The applicant shall provide the recording information for the separate instrument which granted this easement so this information may be referenced on the Vacation Order;
7. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
8. The applicant shall submit a covenant that ties Lots 1, 2, 13 and 14 together for the purpose of providing sanitary sewer service to all lots until such time that a sanitary sewer line touches each lot; and
9. The vacation order shall exclude from vacation the west 10 feet of the application area.

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 and covenant, 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 PLATTED
UTILITY EASEMENT

GENERALLY LOCATED AT THE SOUTHWEST
CORNER OF KELLOGG AND BLUFF (V-1380)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners

this JUL 8 1986

MICROFILMED
OF RECORD

STATE OF KANSAS
SEDGWICK COUNTY { 33
FILED FOR RECORD AT

AUG 8 1986

VACATION ORDER

Ed. Peralta
Deputy

NO. 8 24420
PAT KETTLER
REGISTER OF DEEDS

NOW on this 8th day of July, 1986, comes on for hearing the petition for vacation filed by Ernest H. Doyon, praying for the vacation of the following described utility easement, to-wit:

North five feet of Lots 13 and 14, Block A, Longview Terrace
Addition, Wichita, Kansas, except the west ten feet thereof;

AND

South five feet of Lots 1 and 2, Block A, Longview Terrace
Addition, Wichita, Kansas, except the west ten feet thereof.
(V-1380)

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 JUNE 25 & JULY 2, 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 8th day of July, 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:

Donald C. Gist
Donald C. Gist, City Clerk

Tony Casado

Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

5.00

