Planning Agenda Item #_____

City of Wichita
City Council Meeting
October 13, 1987

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: V-1493 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Location: On the west side of Shefford, in an area north of First Street. (District #5).

Applicant: Shade Investment Company, 9001 W. Central, Wichita, KS 67212

Site Size: A 20-foot wide portion of a 30-foot utility easement measuring 130 feet in length.

Current Zoning: "AA" (Single-Family)

Background: This vacation case has been requested to gain more buildable lot. The Utility Advisory Committee has verified that the portion of easement recommended for vacation is in excess of their utility easement needed. Sanitary sewer was constructed in an easement on the lots to the north, rather than in this easement as anticipated at the time of platting. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify 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:

755-68-360-50000-295-000-000

PL/7573/5

FILM NO 927 PAGE 0779 –

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

Approved as to Form
This OCT 13 1987

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

GENERALLY LOCATED ON THE WEST SIDE OF SHEFFORD, IN AN AREA NORTH OF FIRST STREET. (V-1493)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } ss
FILED FOR RECORD AT
11:00 A M

OCT 22 1987
9 14010
NO
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 13th day of October, 1987, comes on for hearing the petition for vacation filed by Shade Investment Company, praying for the vacation of the following described portion of a utility easement, to-wit:

> The south 20 feet of the north 30 feet of Lot 38, Block 19, Westlink Village Eighteenth Addition, Wichita, Sedgwick County, Kansas, except the west 10 feet thereof. (V-1493)

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 Record of notice of this vacation proceeding for consecutive weeks on SEPT 30 & OCT 7, 1987.

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 CITY COUNCIL, on this 13th day of October, 1987, 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.

Robert C. Knight, Mayor

ATTEST:

Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas Powell, Interim Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

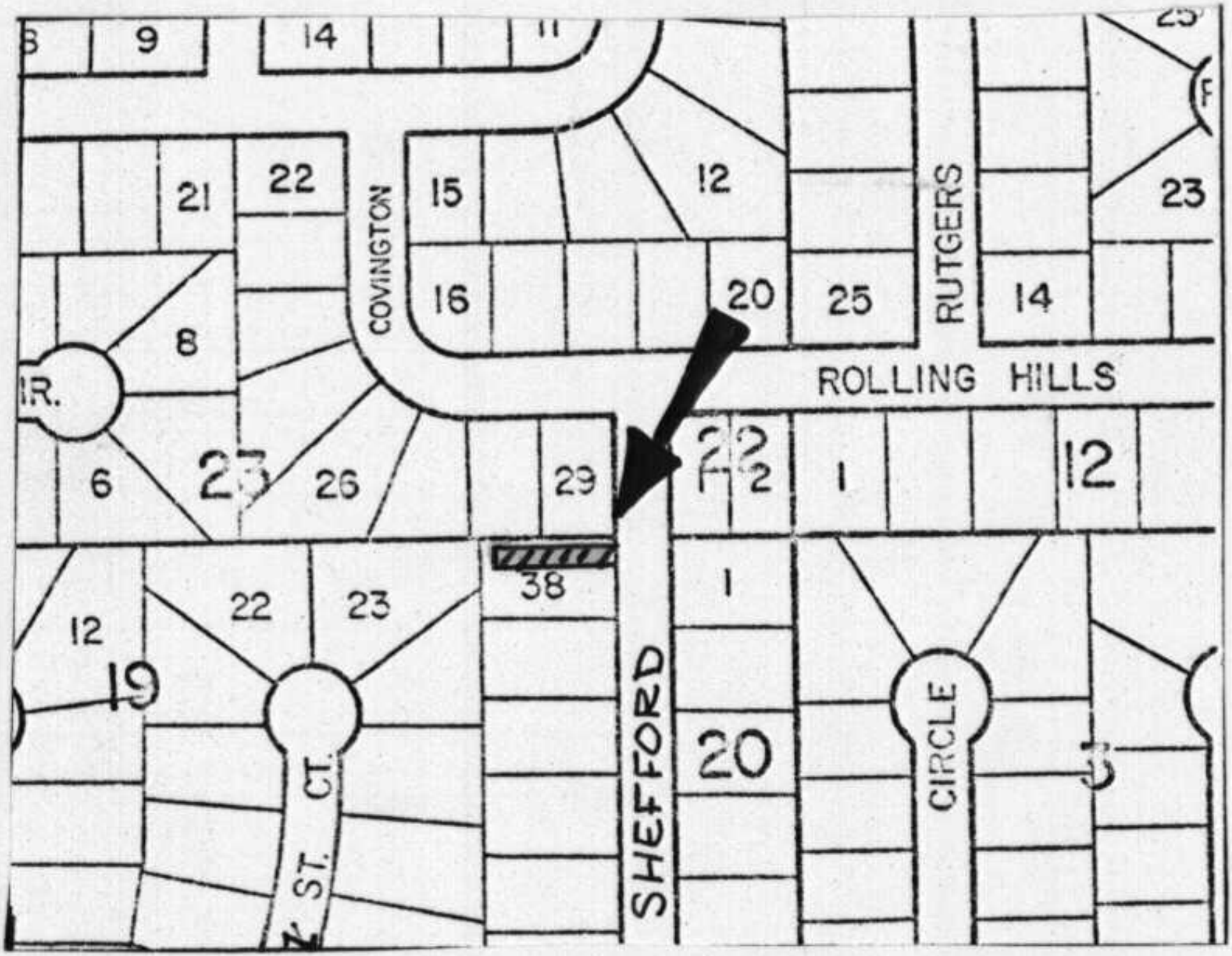
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, this OCT 19 1987

Deputy City Clerk

5.00 City Clerk

PL/7499/5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