

City of Wichita
City Council Meeting
September 1, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1476 - 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: In an area west of Yale and south of Kellogg. (District #3).

Applicant: Lawrence D. Montgomery, 531 S. Yale, Wichita, KS 67218

Site Size: A 5-foot wide portion of a utility easement measuring 100 feet in length.

Current Zoning: "AA" (Single-family)

Background: This vacation case has been requested in order to provide additional buildable lot area for a detached garage. The Utility Advisory Committee has verified that the portion of utility easement being vacated is not needed for public utilities. 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

BEFORE THE CITY COUNCIL 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 YALE AND
SOUTH OF KELLOGG. (V-1476)

MORE FULLY DESCRIBED BELOW

Approved, Accepted By City Council
This SEP 1 1987
STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
MICROFILMED 1000 P M
OF RECORD

SEP 10 1987
9 06359

VACATION ORDER

Ed Reed
Deputy
NO. PAT KETTLER
REGISTER OF DEEDS

NOW on this 1st day of September, 1987, comes on for hearing the petition for vacation filed by Lawrence D. Montgomery, praying for the vacation of the following described portion of a utility easement, to-wit:

The east five (5) feet of the west ten (10) feet of Lots 5 and
5, Block C, Longview Terrace, an addition to Wichita, Kansas.

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 AUGUST 19 & 26, 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 1st day of September, 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.

ATTEST:

Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas Powell, Interim Director of Law

Robert C. Knight, Mayor

State of Kansas)
Sedgwick County) ss.
City of Wichita)
DALE E. REA, Deputy City Clerk of the City
of Wichita, Kansas, do hereby certify that the document
to which this is attached is a true and correct copy of
the original as the same appears to the City Clerk.
Given under my hand and seal of the City of
Wichita, Kansas, this 1st day of September, 1987.

5.00

PL/7134/5

City Clerk

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