

City of Wichita
City Council Meeting
June 9, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1463 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, LOCATED IN AN AREA WEST OF SMITHMOOR, ON THE SOUTH SIDE OF COUNTRYSIDE.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Smith and Company, Inc., P.O. Box 780595, Wichita, KS 67278-0595, is requesting this vacation to provide more buildable lot area. After vacation, a 17-foot utility easement will remain. A change in the planned location of sanitary sewer has made this vacation possible.

Analysis: The Planning Commission recommends the City Council 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; and
3. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

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:

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 SMITH-)
MOOR, ON THE EAST SIDE OF COUNTRYSIDE.)
(V-1463)

Approved / Accepted By City Council
JUN 9 1987

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT
JUN 17 1987

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

VACATION ORDER. NO. 8 89107

PAT KETTLER
REGISTER OF DEEDS

Ed Rea
Deputy

NOW on this 9th day of June, 1987, comes on for hearing the petition for vacation filed by Smith and Company, praying for the vacation of the following described portion of a platted utility easement, to-wit:

The northerly 3 feet of the southerly 53 feet of Lots 30 through 48, Block 1, Smithmoor First Addition, Wichita, Sedgwick County, Kansas; except the westerly 20 feet thereof. (V-1463)

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 MAY 27 & JUNE 3, 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 9th day of June, 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:

Robert G. Knight
Robert G. Knight, Mayor

Dale E. Rea
Dale E. Rea, Deputy City Clerk

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, Kansas, this 15th day of June, 1987.

Approved as to Form:

Thomas A. Powell
Thomas Powell, Interim Director of Law



