

City of Wichita
City Commission Meeting
February 17, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1436 - REQUEST TO VACATE PLATTED UTILITY EASEMENTS,
LOCATED EAST OF TARA CIRCLE, IN AN AREA SOUTH OF MULBERRY.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of platted utility easements.

Background: Golf Courses of America, 4110 N. Tara Circle, Wichita, KS 67226, is requesting this vacation to clear encroachments which have been built in the platted utility easements.

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 grant, by separate instrument, substitute utility easements. The legal descriptions of these instruments shall be reviewed and approved by City Engineering.

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

Recommendations/Action: Close public hearing; accept utility easements; approve vacation; authorize the Mayor to sign Vacation Order; and record certified copy of Order and utility easements, 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 EASEMENTS.

GENERALLY LOCATED EAST OF TARA CIRCLE,
IN AN AREA SOUTH OF MULBERRY. (V-1436)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

) Approved by Board of Commissioners
) this FEB 17 1987

STATE OF KANSAS
SEDGWICK COUNTY } 33
FILED FOR RECORD AT
WICHITA KAN.

FEB 27 1987

NO. 8 65449

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy

NOW on this 17th day of February, 1987, comes on for hearing the petition for vacation filed by Golf Courses of America, Inc., praying for the vacation of the following described platted utility easements, to-wit:

The rear 10.00 feet of Lots 17, 18, 20, 21 and 22, Block 5,
Willowbend First Addition. (V-1436)

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 FEB 4 & 11, 1987.

2. No private rights will be injured or endangered by the vacation of the above-described utility easements, 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 easements described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 17th day of February, 1987, ordered that the above-described utility easements are 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
Dale E. Rea, Deputy City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Interim Director of Law

City Clerk

