

City of Wichita
City Commission Meeting
January 20, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1434 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT, LOCATED ON THE NORTH SIDE OF KILLARNEY COURT, IN
AN AREA EAST OF ROCK ROAD.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Richard D. Martens, c/o The Martens Company, Inc., 125 North Emporia, Suite 110, Wichita, KS 67202 is requesting this vacation to provide additional buildable area. That portion of the easement not being vacated is needed for a north/south utility easement.

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; and
4. 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 owner.

JAN 20 1987

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED ON THE NORTH SIDE OF)
KILLARNEY COURT, IN AN AREA EAST OF ROCK)
ROAD (V-1434))

MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS }
SEDGWICK COUNTY }

FILED FOR RECORD AT

FEB 12 1987

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NO.

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

Ed. Rea
Deputy

VACATION ORDER

NOW on this 20th day of January, 1987, comes on for hearing the petition for vacation filed by Richard D. Martens, praying for the vacation of the following described platted utility easement, to-wit:

The 10 foot easement lying 5 feet on each side of the easterly 119 feet, more or less, of the common side lot line between Lots 4 and 5, Block 1, First Addition to Vickridge, Sedgwick, County, Kansas, except the easterly 8 feet thereof. (V-1434)

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 JAN 7 & 14, 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 BOARD OF CITY COMMISSIONERS, on this 20th day of January, 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
Dale Rea, Deputy City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Interim Director of Law

City Clerk

ROCK ROAD

KILLARNEY

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CT.

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