

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 14, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1582 REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT LOCATED SOUTH OF LINCOLN AND EAST OF BLUFFVIEW.
(District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: Plans for expansion of a church at this site are based upon a consolidated use of four (4) adjoining lots. An existing easement and sanitary sewer line presently encumber the site. An earlier vacation partially removed the easement on two of these lots. The present vacation will vacate the remaining portion of easement. The existing sewer line will be partly removed with the remainder reverting to a private service line. Since this vacation will leave platted lots without access directly to a sanitary sewer line a covenant has been obtained requiring that the involved lots be conveyed (if sold) as one parcel. 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 the covenant and certified copy of Order, recording costs to be billed to:

300210-9024

roved / Accepted By City Council
 FEB 14 1989 KANSAS } SS
 This _____ FILED FOR RECORD AT
 SEDGWICK COUNTY }
 MAR 6 09 0937390

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

IN THE MATTER OF THE VACATION OF)
 A PLATTED UTILITY EASEMENT.)
)
 GENERALLY LOCATED ON THE SOUTHEAST)
 CORNER OF LINCOLN AND BLUFFVIEW. (V-1582))
)
)
 MORE FULLY DESCRIBED BELOW)

PAT KETTLER
 REGISTER OF DEEDS

Ed Resal Deputy

VACATION ORDER

MICROFILMED
OF RECORD

NOW on this 14th day of February, 1989, comes on for hearing the petition for vacation filed by Hilltop Evangelical Fellowship, praying for the vacation of the following described platted utility easement, to-wit:

32' wide utility easement located in Lots 19, 20, 22, Block A, Hilltop Manor and Hilltop Manor No. 2, Wichita, Kansas, except the north 27 feet of Lot 19, Block A, thereof (previously vacated by V-1554; film 1001, page 1246).

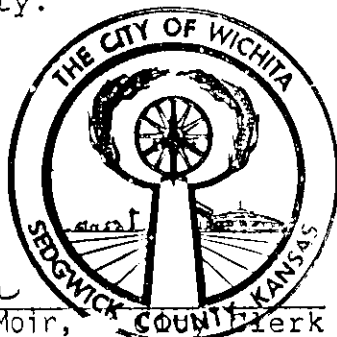
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of February, 1989, ordered that the above-described platted 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:

John Moir
 John Moir, County Clerk



Sheldon Kamen
 Sheldon Kamen, Mayor

Approved as to Form:

Thomas R. Powell
 Thomas Powell, Director of Law

State of Kansas, Sedgwick County, City of Wichita)
 Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certifies 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 FEB 16 1989
Dale E. Rea Deputy City Clerk

city clerk

