

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 10, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Public Hearing V-1578 - Request to vacate a portion of a platted utility easement, located on the east side of Hydraulic, 1/3 mile south of MacArthur Road.
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a utility easement.

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

Background: The applicant wishes to construct a fence or wall type structure not allowed within an easement. With the legal description and vacation order excepting out those portions of this easement also included in several east-west easements, City Engineering and the Utility Advisory Subcommittee indicate that the vacation should have no adverse impacts. 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 Mayor to sign the Vacation Order; and record certified copy of Order; recording costs to be billed to:

300210-9024.

Approved / Accepted By City Council

State of Kansas }
Sedgwick County } ss

This FILED FOR RECORD AT

0-00

FEB 7 89 0993366

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 ON THE EAST SIDE OF
HYDRAULIC, 1/3 MILE SOUTH OF MACARTHUR
ROAD. (V-1578)

MORE FULLY DESCRIBED BELOW

PAT LITTLER
REGISTER OF DEEDS

Ed Rea Deputy

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 10th day of January, 1989, comes on for hearing the petition for vacation filed by Leon Moeder, praying for the vacation of the following described portion of a platted utility easement, to-wit:

The west five (5) feet of the 25 foot utility easement, as platted, along the west property line of Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas, except the south 25 feet and the north 25 feet thereof.

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 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 north 30-feet of the south 387 feet shall be excluded from the vacation.
6. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of January, 1989, 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.

S. Kamen
Sheldon Kamen, Mayor

ATTEST:

John Moir
Dale E. Rea, Deputy City Clerk
John Moir
Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

State of Kansas)
Sedgwick County)
City of Wichita)
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, this JAN 10 1989.
Dale E. Rea
Deputy City Clerk

city clerk

MACARTHUR

HYDRAULIC

PENTECOSTAL

1

2 ND.

ED, DWIRE
ADD.

CAMELOT

1

A

ADD.

NEW

HOPE

A

ADD.

GEORGIA

BALCH

9

5

A

1

24

HOMESTEAD

HORTEN ST.

EXCEPTION

13

B

20

EMERY

(CITY PARK)

AVE.

MINNESOTA

AVE.

MINNEAPOLIS ST.