

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 6, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1573 REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT LOCATED BETWEEN LAURA AND PATTIE ON THE SOUTH SIDE OF SELMA
(District #4)

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: This vacation is required to clear title to a house inadvertently built into the easement. The vacation required relocation of a sanitary sewer line, which has now been accomplished. With the relocation of the sewer line, City Engineering has no objections to the portion of easement being vacated. 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 certified copy of Order, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This JUN 8 1989
 STATE OF KANSAS }
 SEDGWICK COUNTY }
 FILED FOR RECORD AT
 8:00 Q M

BEFORE THE CITY COUNCIL OF THE
 CITY OF WICHITA, SEDGWICK COUNTY, KANSAS JUN 27 89 1015497

IN THE MATTER OF THE VACATION OF)
 A PORTION OF A PLATTED UTILITY EASEMENT)
)
 GENERALLY LOCATED BETWEEN LAURA AND)
 PATTIE ON THE SOUTH SIDE OF SELMA)
 (V-1573))
)
 MORE FULLY DESCRIBED BELOW)

PAT KETTLER
 REGISTER OF DEEDS

Ed Rasmussen

MICROFILMED
 OF RECORD

VACATION ORDER

NOW on this 6th day of June, 1989, comes on for hearing the petition for vacation filed by David W. and D. Renee Curbow, praying for the vacation of the following described portion of a platted utility easement, to-wit:

Beginning at a point 5.0 feet east and 28.0 feet south of the northwest corner of Lot 2, Block 2, Galyardt's 5th Addition, Wichita, Sedgwick County, Kansas; thence south, parallel to and 5.0 feet east of the west line of said Lot 2, 27.0 feet; thence east 3.75 feet; thence northwesterly to a point 28 feet south and 6.91 feet east of the northwest corner of said lot 2; thence west 1.91 feet to the point of beginning.

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 24 & 31, 1989.
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.

8:00 ca

City Clerk

Vacation Order
V-1573
Page 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of June, 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.

ATTEST:

John Moir
John Moir, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

Form 1020

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the documents
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 JUN 13 1989
Pat Burnett Deputy City Clerk

LOT 2, BLOCK 2, GALYARDT,S 5TH
ADDITION, WICHITA, KANSAS

