

Planning Agenda Item # _____

City of Wichita
City Council Meeting
March 20, 1990

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1651 - REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT, LOCATED NORTH OF GRAIL IN AN AREA
EAST OF ROCK ROAD AND NORTH OF HARRY
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted utility easement.

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

Background: The applicant desires the vacation of the utility easement to allow an existing roof overhang to remain in an area of a utility easement and to clear title. An additional rear yard utility easement has been provided. City Engineering and the Utility Advisory Committee indicate that the vacation and additional easement are acceptable. 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; and accept the dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and dedication, recording costs to be billed to:

150029-2909

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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 NORTH OF GRAIL IN AN)
AREA EAST OF ROCK ROAD AND NORTH OF)
HARRY (V-1651).)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 20th day of March, 1990, comes on for hearing the petition for vacation filed by Ernest J. Monk and Shirley M. Monk, praying for the vacation of the following described platted utility easement, to-wit:

The west 3 feet of the east 8 feet of Lot 8, Block 2, Lynncrest Heights, an Addition to Wichita, Kansas, except the north 10 feet.

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 March 2, 1990 March 9, 1990.

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.

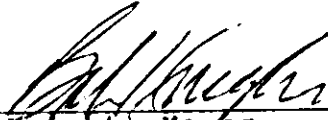
5. The vacation of the utility easement described herein should be approved.

8.00

city clerk

Vacation Order
V-1651
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of March, 1990, 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.

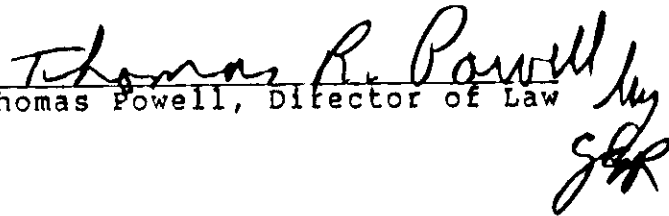

Bob Knight, Mayor

ATTEST:

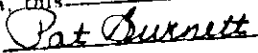



John Moir, City Clerk

Approved as to Form:


Thomas Powell, Director of Law

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 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 MAR 20 1990

 Deputy City Clerk

STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 AM

APR 4 90 1060607

PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy



