

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 12, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1619 - REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF
GREENBRIAR COURT, EAST OF ROCK ROAD
(District #2)

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 requested in order to clear title for a property as the existing house encroaches into the utility easement. The Utility Advisory Committee has indicated that no adverse effects will result by the vacation of this utility easement. 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

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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.)

Approved / Accepted By City Council

GENERALLY LOCATED ON THE NORTH SIDE OF
GREENBRIAR COURT, EAST OF ROCK ROAD
(V-1619).)

This SEP 12 1989

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 12th day of September, 1989, comes on for
hearing the petition for vacation filed by Jeffery S. & Annette
Rexwinkle, praying for the vacation of the following described utility
easement, to-wit:

Commencing at a point of the west line and 35 feet
north of the southwest corner of Lot 6, Block 1,
Penstemon 3rd Addition to Wichita, Sedgwick
County, Kansas;

Thence easterly, at 90° to the west line of said
Lot 6, 4 feet to the Point of beginning; thence
northerly, parallel to and 4 feet east of the west
line of said Lot 6, 10 feet; thence easterly, at
90°, 1 foot; thence southerly, parallel to and 5
feet east of the west line of Lot 6, 10 feet;
thence westerly, at 90°, 1 foot 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 8/30 & 9/6/89.

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.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of
September, 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.

Bob Knight, Mayor



ATTEST:

John Moir
John Moir, City Clerk

Approved as to Form:

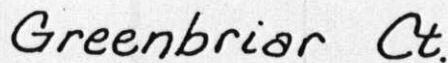
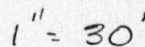
Thomas Powell
Thomas Powell, Director of Law

THE CITY OF WICHITA
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 SEP 18 1989
Dale E. Rea, Deputy City Clerk

STATE OF KANSAS
SEDGWICK COUNTY
FILED
11:00 A.M.
SEP 20 1989
P. M. TILER
REGISTER OF DEEDS

City Clerk

Surveyor



Buyer: Rexwinkle

V-1619