

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 11, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1609 - REQUEST TO VACATE PLATTED UTILITY EASEMENTS, LOCATED ON THE SOUTH SIDE OF 35TH STREET NORTH CIRCLE, IN AN AREA EAST OF WOODLAWN AND SOUTH OF 37TH STREET NORTH.
(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: The applicant desires more buildable area for construction of single-family homes on the involved lots. The Utility Advisory Committee has indicated that the sections of easements involved in the vacation are not needed and that no adverse effects will result by this vacation. 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

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 SOUTH SIDE OF)
35TH STREET NORTH CIRCLE, IN AN AREA EAST)
OF WOODLAWN AND SOUTH OF 37TH STREET)
NORTH (V-1609).)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of July, 1989, comes on for hearing the petition for vacation filed by Brushcreek Community, praying for the vacation of the following described platted utility easement, to-wit:

The 10 foot platted utility easement centered on the common lot line of Lots 34 and 35, Block 3, Brush Creek Addition, Wichita, Kansas;

and

The 10 foot platted utility easement adjacent to the east lot line of Lot 29, Block 3, Brush Creek Addition, Wichita, Kansas.

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 JUN 28 1989 + JUL 5 1989.
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. This vacation order shall except out the south 20 feet of both areas to be vacated.
6. The vacation of the platted utility easement described herein should be approved.

2.00^{LA}

City Clerk

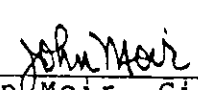
Vacation Order
V-1609
Page 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of July, 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.



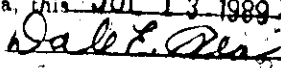
ATTEST:

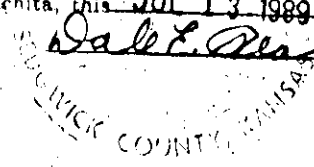

Bob Knight, Mayor


John Moir, City Clerk

Approved as to Form:


Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
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 JUL 13 1989
 Deputy City Clerk

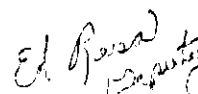


MICROFILMED
OF RECORD

STATE OF KANSAS)
SEDGWICK COUNTY) ss
FILED IN RECORD AT
12:30 PM

JUL 17 89 1018606

PAT FETTLER
REGISTER OF DEEDS


Ed Benson
Deputy

