

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 16, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1717 - REQUEST TO VACATE A PLATTED UTILITY
EASEMENT; LOCATED NEAR THE SOUTHWEST CORNER OF 29TH STREET
NORTH AND PORTER
(District #6)

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: This vacation is being requested as the current easement has an error in the recorded legal description. The applicant has submitted a new, correct easement which is being dedicated by separate instrument. City Engineering and the utility companies have indicated their approval of 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; 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

Approved / Accepted By City Council

This JUL 16 1991

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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 NEAR THE SOUTHWEST)
CORNER OF 29TH ST. NORTH AND PORTER AVE.)
(V-1717))
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16th day of July, 1991, comes on for hearing the petition for vacation filed by Ira & Patricia Dingman, praying for the vacation of the following described utility easement, to-wit:

A two foot wide easement the center lines being described as follows:

Beginning at a point 62 feet south and 191 feet west of the northeast corner of Lot 32, Gilders Court, Sedgwick County, Kansas; thence northerly 71 feet; thence easterly 25.5 feet; thence northerly to the north line of the south half of Lot 2 in said Gilders Court.

Also

Beginning at a point 62 feet south and 173 feet west of the northeast corner of said Lot 32; thence northerly 53 feet; thence easterly 25.5 feet; thence northerly 9 feet to the north line of said Lot 32.

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 Reporter of notice of this vacation proceeding for consecutive weeks on 7-2-91 & 7-9-91.
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.

MICROFILMED
OF RECORD

City Clerk

A0338

1717

Vacation Order
V-1717
Page 2 of 2

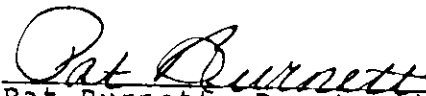
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of July, 1991, ordered that the above-described platted 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

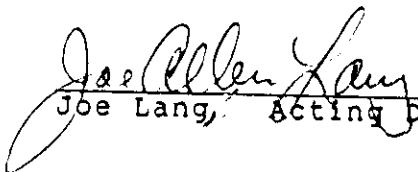

Pat Burnett, Deputy City Clerk

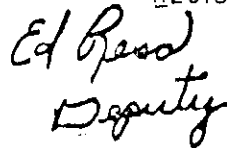
STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

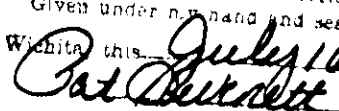
Approved as to Form:

AUG 16 1991 1154278

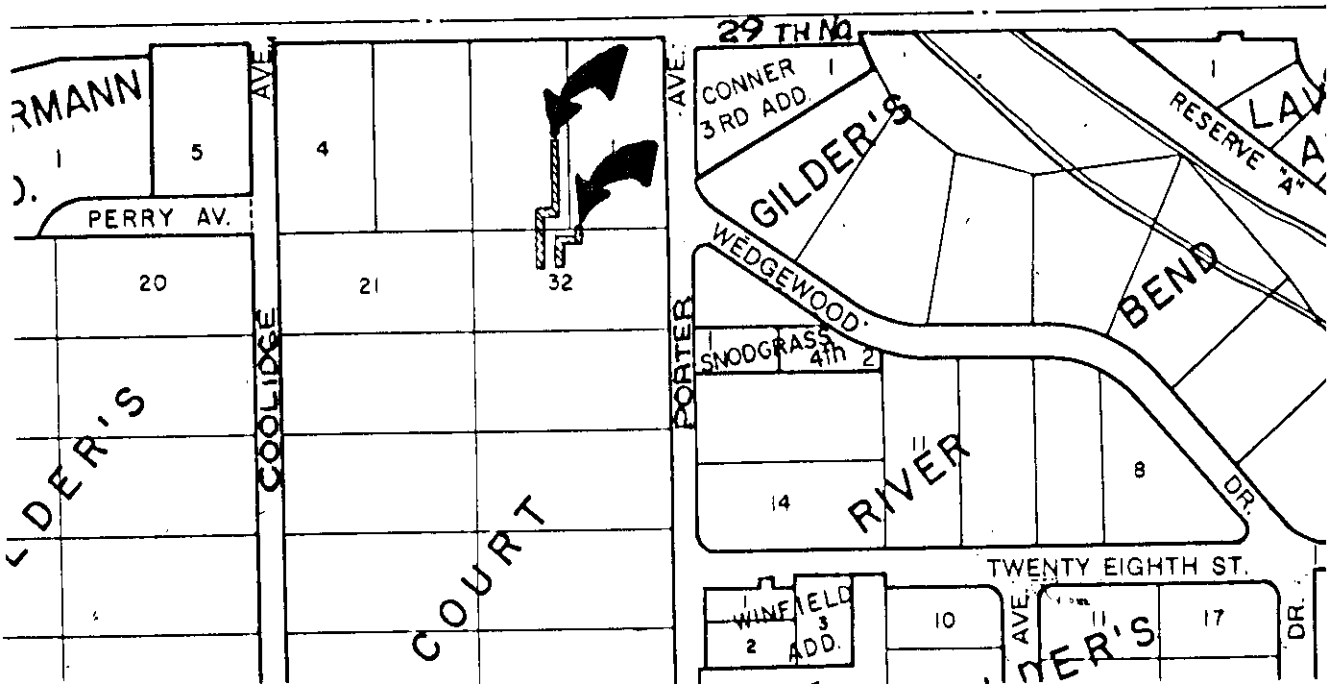
PAT KETTLER
REGISTER OF DEEDS


Joe Lang, Acting Director of Law


Ed Reso
Deputy

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 July 16, 1991

Pat Burnett, Deputy City Clerk





I. Application Filed 5/14/91
S/D Comm. Action 6/13/91
M.A.P.C. Action _____

W.C.C. Action _____
Bd. Co. Co. Action _____
Order to Vacate Recorded _____