

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 6, 1990

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1685 - REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT.
(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's retention wall currently encroaches into the utility easement seven feet. He also wishes to construct a swimming pool. The utility companies have indicated their approval as there are no utilities in this 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

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

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BEFORE THE CITY COUNCIL OF THE
 CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

REC 12 11 109264

IN THE MATTER OF THE VACATION OF)
 A PORTION OF A PLATTED UTILITY EASEMENT)

GENERALLY LOCATED SOUTH OF 29TH ST.)
 NORTH AND EAST OF ROCK ROAD. (V-1685))

MORE FULLY DESCRIBED BELOW)

FILED
 REC'D
 11/10/90

VACATION ORDER

NOW on this 6th day of November, 1990, comes on for hearing the petition for vacation filed by Robl Construction Inc., praying for the vacation of the following described platted utility easement, to-wit:

That portion of a platted utility easement described as, the south 7 feet of the north 20 feet of the west 90 feet of Lot 25, Block 1, Wilderness 4th Addition to Wichita, Sedgwick County, KS.

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 *October 24, 1990 and October 31, 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.

MICROFILMED
--OF-RECORD

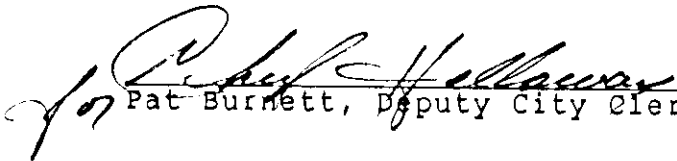
for 1 City Clerk

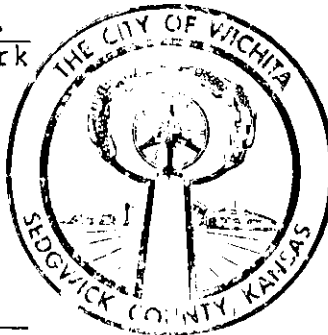
Vacation Order
V-1685
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 6th day of November, 1990, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

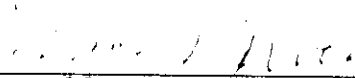

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy 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 NOV 6 1990
 Deputy City Clerk



