

Planning Agenda Item# _____

City of Wichita
City Council Meeting
March 9, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1786 REQUEST TO VACATE UTILITY
EASEMENTS LOCATED NORTH OF 31ST STREET SOUTH AND
EAST OF HILLSIDE. (District 3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements.

MAPC Recommendation: Approve vacation of utility easements.
(Unanimous)

Background: The Plainview Community Church is seeking additional area for a planned expansion of church facilities. Because the Church site consists of five adjacent lots, and adequate sewer and access exists for current and proposed uses, additional sewer or utility easements are not required for each lot as was originally platted. The effect of the proposed vacated easements, and the to be recorded Restrictive Covenant, will be to treat the lots as one undivided parcel, thereby preventing the Church from having to replat.

Legal Considerations: The City Clerk needs to certify as to proper notification and filing of written protest.

Recommendations/Action: Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the Restrictive Covenant; recording costs to be billed to:

150029-2909

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

MAR 9 1993

IN THE MATTER OF THE VACATION OF UTILITY)
EASEMENTS)

GENERALLY LOCATED NORTH OF 31ST STREET)
SOUTH AND EAST OF HILLSIDE (V-1786))

MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 9TH day of MARCH, 1993, comes on for hearing the petition for vacation filed by Planeview Community Church, praying for the vacation of the following described utility easements, to-wit:

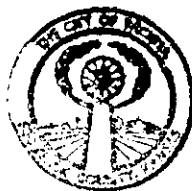
The utility easements as platted on Lots 33 and 34, Block C, Planeview Subdivision No. 2, Wichita, Kansas

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 Reporter of notice of this vacation proceeding for consecutive weeks on 2/25/93 & 3/4/93.
2. No private rights will be injured or endangered by the vacation of the above-described utility easements, 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 easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of March, 1993, ordered that the above-described utility easements are 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:



Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Frank M. Ojile
Frank M. Ojile, Mayor

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 9 1993

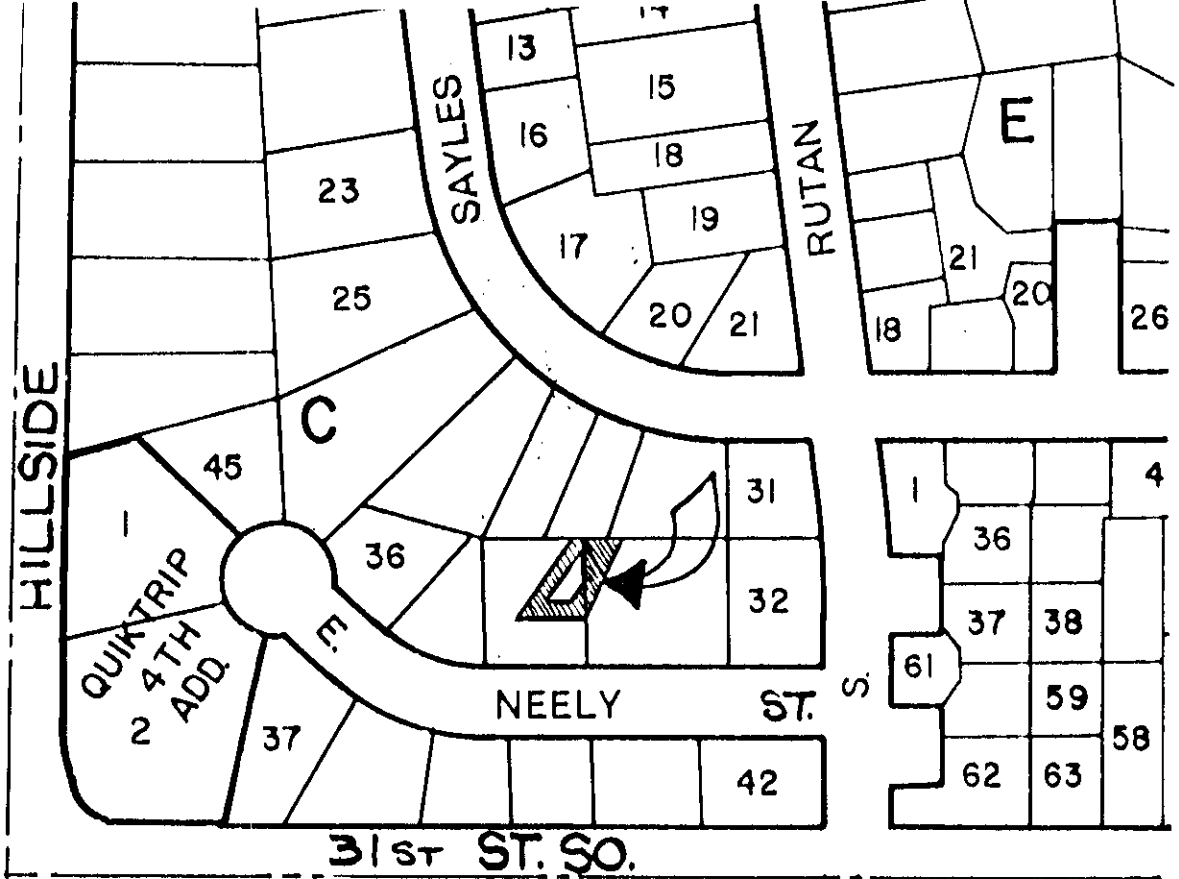
Pat Burnett Deputy City Clerk



Gary Rebenstorff
Gary Rebenstorff, Director of Law

8.00 ic City Clerk

260 150029 2209 8-



Application Filed 9/22/92
 S/D Comm. Action 10/15/92

M.A.P.C. Action 10.22.92
Approved

W.C.C. Action 3-9-93
Approved
 Bd. Co. Col/Action

Order to Vacate Recorded