

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 16, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1765 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED SOUTH OF KELLOGG AND WEST OF TYLER ROAD
(District #5)

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 to free up additional space at the site for expansion of an existing building. Sanitary sewer is in this easement but only in a small section at the western end of the easement. Both City Engineering and the representatives of the utilities on the Subdivision and Utility Advisory Committee indicate that except for the area of the present sewer line, that the easement is not needed. For the area of the sewer line, City Engineering has requested that an easement be granted, which meets present day width standards. The applicant has submitted such an 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: Accept the substitute utility easement; Close public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record utility easement and certified copy of Vacation Order; recording costs to be billed to:

150029-2909

Approved by City Council

This JUN 16 1992

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

IN THE MATTER OF THE VACATION OF
a utility easement

GENERALLY LOCATED south of Kellogg and
west of Tyler Road (V-1765)

MORE FULLY DESCRIBED BELOW

U-1765

VACATION ORDER

NOW on this 16th day of June, 1992, comes on for hearing the
petition for vacation filed by Shailesh D. Bhakta, praying for the
vacation of the following described utility easement, to-wit:

The 8-foot utility easement as platted along the south line
of Lot 4, Block M, Westport Addition, Sedgwick County,
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 6-2-92 + 6-9-92.

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.

8:00
cl

City Clerk

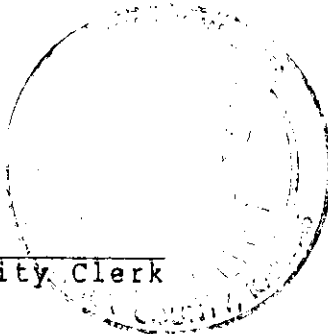
150-1765-1000

Vacation Order
V-1765
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1992, 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:

Pat Burnett
Pat Burnett, Deputy City Clerk



Bob Knight, Mayor

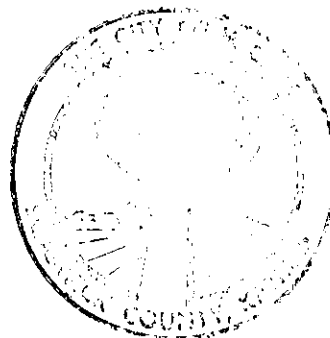
MICROFILMED
OF RECORD

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

STATE OF KANSAS
SEDGWICK COUNTY
FILED
JUL 23 1992 1224069
PAT KETTLER
REGISTER OF DEEDS

State of Kansas)
Sedgwick County)
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City of Wichita, do hereby certify that the document to which this attestation is a true and correct copy of the original as it appears in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, Kansas, this 16 day of June, 1992.
Pat Burnett Deputy City Clerk



Application Filed 4/22/92
S/D Comm. Action ~~4/22/92~~ 5/14/92
M.A.P.C. Action 5/21/92 ~~4/22/92~~

Bd.	Co.	Co.	Action

Order to Vacate Recorded July 23

1962