

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 5, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1734 - REQUEST TO VACATE A PLATTED UTILITY
EASEMENT LOCATED NORTH OF 21ST ST. NORTH AND EAST 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: An expansion across property lines is being planned. A platted easement, however, encumbers the property lines. This easement is apparently not in use and is not needed. Both City Engineering and the Utility Advisory Committee have indicate that the easement may be vacated. 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

Approved / Accepted By City Council

This NOV 5 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 NORTH OF 21ST ST.)
NORTH AND EAST OF TYLER ROAD. (V-1734))

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 5th day of November, 1991, comes on for hearing the petition for vacation filed by Gary Wiley, agent for Village Charter, Inc., praying for the vacation of the following described utility easement, to-wit:

The east 5 feet of Lot 1, Block 1, Village Charters Addition to Sedgwick County, Kansas; except the south 10 feet thereof.

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 10/22/91 + 10/29/91.

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.

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.

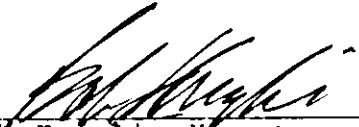
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OF RECORD

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City Clerk

Vacation Order
V-1734
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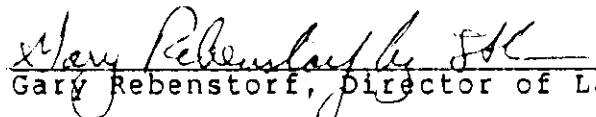
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of November, 1991, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

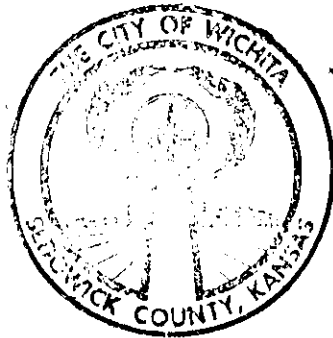

Bob Knight, Mayor

ATTEST:

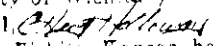

Pat Burnett, Deputy City Clerk

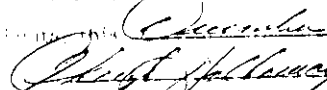
Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

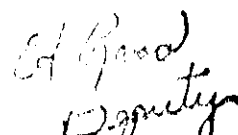
I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of
Wichita this December 30, 1991
 Deputy City Clerk

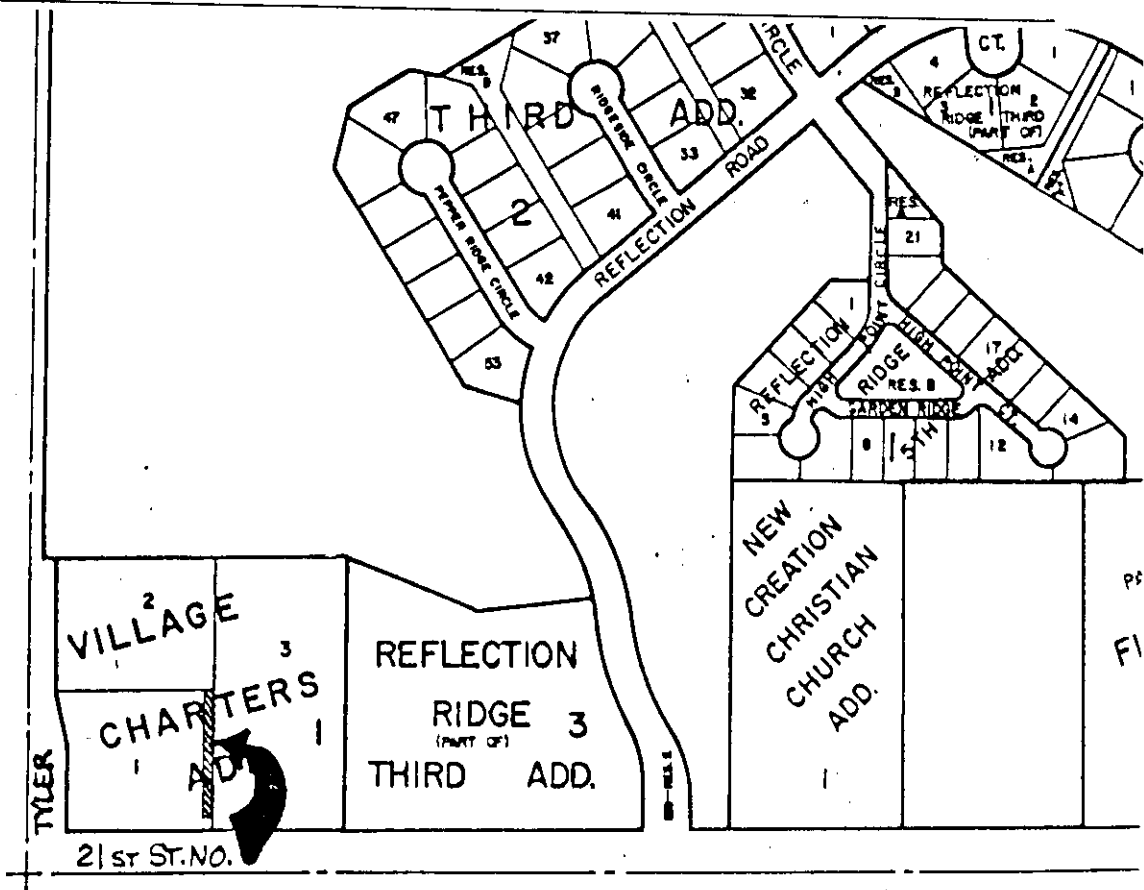
STATE OF KANSAS } 99
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

MAR 592 1192137

PAT KETTLER
REGISTER OF DEEDS


Ed Good
Deputy

ITY MAP:



Application Filed 8/29/91

S/D Comm. Action App 9/29/91

M.A.P.C. Action 9/26/91 - Approved

W.C.C. Action _____

Bd. Co. Co. Action _____

Order to Vacate Recorded _____