

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 15, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1731 - REQUEST TO VACATE AN EASEMENT
LOCATED SOUTH OF CENTRAL AND EAST OF WINTERSET.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of easement.

MAPC Recommendation: Approve vacation of easement. (unanimous)

Background: In order to provide for the expansion of an existing structure the applicant has relocated a sanitary sewer line from the area of easement being vacated. This relocation has been approved by City Engineering and the utility advisory subcommittee has indicated they have no objections to the 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; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

150029-2909

This OCT 15 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 UTILITY EASEMENT.)
)
GENERALLY LOCATED SOUTH OF CENTRAL)
AND EAST OF WINTERSET (V-1731))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of October, 1991, comes on for hearing the petition for vacation filed by J. Larry Fugate, praying for the vacation of the following described easement, to-wit:

A 20 foot easement lying 10 feet on either side of a line described as follows: Commencing at the northeast corner of Lot 1, Block 5, Farmington Square 2nd Addition, Wichita, Kansas; thence S04°33'32"E, along the east line of said Lot 1, 37.79 feet to a point of beginning; thence S89°59'27"W, parallel to the north line of said Lot 1, 10 feet. Said easement was previously granted at Film 773, Page 277.

MICROFILMED
OF RECORD

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 10/2/91 & 10/9/91.

2. No private rights will be injured or endangered by the vacation of the above-described 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.

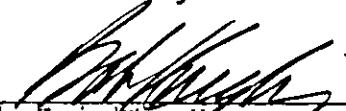
5. The vacation of the easement described herein should be approved.

Back

City Clerk

Vacation Order
V-1731
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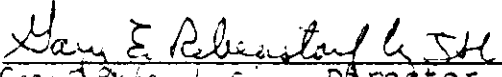
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of October, 1991, ordered that the above-described easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

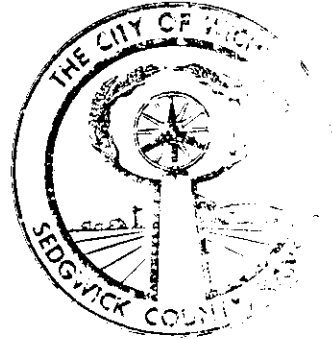

Bob Knight, Mayor

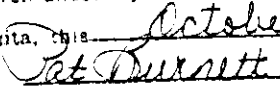
ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary E. Rebenstorf, Director of Law

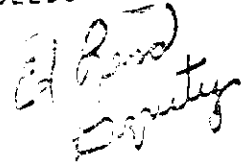


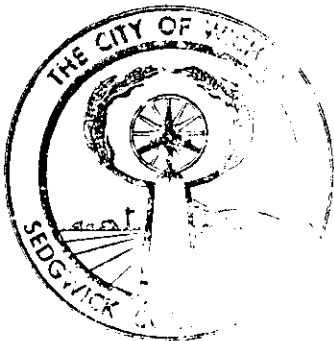
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this October 15, 1991
 Deputy City Clerk

STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8-CC

JAN 392 1179865

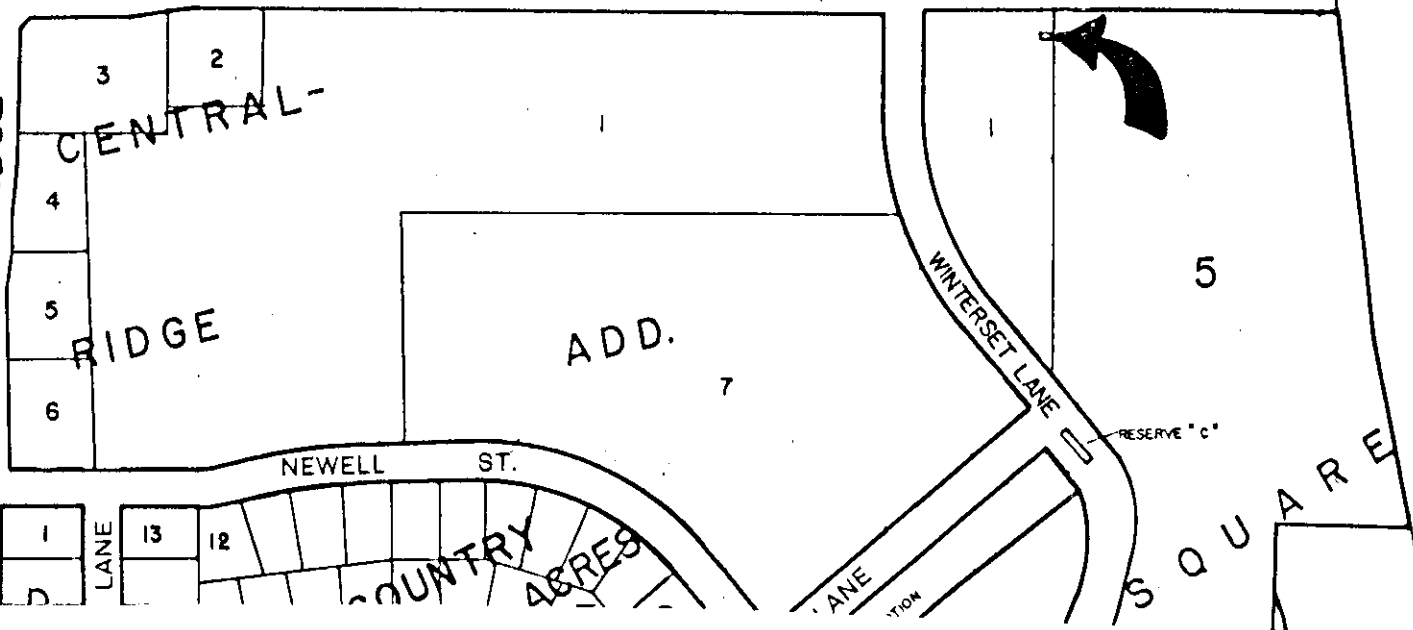
PAT KETTLER
REGISTER OF DEEDS


Ed Bond
Register



CENTRAL

RIDGE



III. Application Filed 8/19/91

S/D Comm. Action 9/5/91

M.A.P.C. Action

W.C.C. Action

Bd. Co. Co. Action

Order to Vacate Recorded