

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 12, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1858 REQUEST TO VACATE A PLATTED
UTILITY EASEMENT LOCATED NORTH OF KELLOGG AND EAST OF
WEST STREET
(District #4)

INITIATED BY: Metropolitan Area Planning Department

Kroat

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of platted utility easement. (unanimous)

Background: Although this site is presently zoned "E" Light Industrial and is already platted, it was platted years ago into individual residential lots. Rather than require the site to be replatted, however, the Planning Commission has agreed that the vacation of the involved easement to allow better development of the site would be accepted provided other requirements could be met through the use of separate instruments or done as part of the site's improvement. The relocation of sanitary sewer and the paving of the adjacent street (Illinois) is already in progress. The contingent dedication of right-of-way for West Street, the establishment of access control and a needed easement are being provided through separate instruments. Since certain lots will no longer have access to sanitary sewer, such lots are being tied together by a covenant. 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/Actions: Accept the contingent right-of-way dedication, access control dedication, and utility easement; record the dedications (2), utility easement and restrictive covenant; close the public

FILE COPY

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 KELLOGG) Case No. V-1858
AND EAST OF WEST STREET)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 12th day of July, 1994, comes on for hearing the petition for vacation filed by Freddie N. Booher and Gary N. Pottorff, praying for the vacation of the following described platted utility easement, to-wit:

The East 5 feet of Lot 5, Lot 6, and Lot 7, Block 1, and the West 5 feet of Lot 15, Lot 16, and Lot 17, Block 1, Eureka Gardens to 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 7/1/94 & 7/8/94.
2. No private rights will be injured or endangered by the vacation of the above-described platted 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 platted utility easement, described herein should be approved.

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City Clerk

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Vacation Order
V - 1858

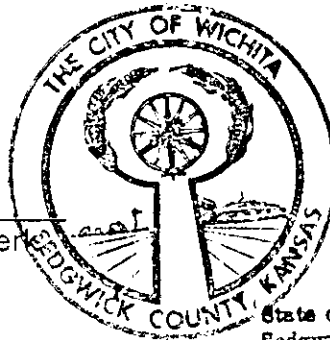
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of July, 1994, ordered that the above-described platted utility easement, is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

Pat Burnett

Pat Burnett, Deputy City Clerk



Elma Broadfoot
Elma Broadfoot, Mayor



Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

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

K. J. Hickey, 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 July 14, 1994

Pat Burnett, Deputy City Clerk

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:00 P.M.

AUG 23 1994

1404679



Ed Bass
Deputy

MICROFILMED
OF RECORD

