

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
January 11, 1994**

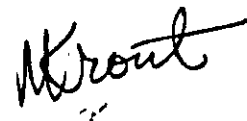
Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1849 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED NORTH OF CENTRAL AND EAST OF TYLER
(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 is attempting to consolidate several smaller lots with an adjoining larger lot in order to accommodate a development and associated parking being planned for the site. Since the vacation of the easement would eliminate access to sanitary sewer for some of the smaller lots, the applicant has submitted a covenant which ties these lots into or with the larger lot such that these lots cannot be developed separate from the larger lot unless an easement and sewer are again provided for these lots. City Engineering and the Utility representatives of the Subdivision Committee have indicated that the easement can 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 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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED NORTH OF CENTRAL
AND EAST OF TYLER

MORE FULLY DESCRIBED BELOW

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Case No. V-1849
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STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 a m
FEB 4 94 1357706
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 11TH day of January, 1994, comes on for hearing the petition for vacation filed by Affiliated Property Services, Inc., praying for the vacation of the following described utility easement, to-wit:

That portion of utility easement described as:

The 20-foot utility easement centered on the common lot line between Lot 1 and Lots 3, 4, and 5, Tyler Acres Sixth Addition, Wichita, Sedgwick County, Kansas, except the west 10 feet thereof. (V-1849)

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 12/23/93 & 12/30/93
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.

**MICROFILMED
OF RECORD**

8.00k

C. L. Clark

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Vacation Order
V - 1849

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of January, 1994, 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.



Joan B. Cole
JOAN B. COLE VICE MAYOR

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary E. Rebenstorf
Gary 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

JAN 11 1994
Pat Burnett Deputy City Clerk

