

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
October 19, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1835; Request to vacate utility easement, generally located west of Webb and south of 29th Street North. (District # 2).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of platted utility easements across two lots so that applicant may construct a solid privacy fence. As this site is within an approved Community Unit Plan (DP-159), applicant has been advised that all requirements and conditions for a fence as specified by DP-159 are applicable and should be reviewed. Staff and MAPC have recommended approval because the reduction in utility easement will not affect the delivery of sanitary sewer services to the site, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Order; recording costs to be billed to:

150029-2909.

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF)
 THAT PORTION OF UTILITY EASEMENT)

GENERALLY LOCATED SOUTH OF)
 29TH STREET NORTH AND WEST OF)
 WEBB ROAD)

MORE FULLY DESCRIBED BELOW)

MAPD CASE NO. V-1835

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 19th day of October, 1993, comes on for hearing the petition for vacation filed by Leewood Homes, Inc., praying for the vacation of the following described portion of utility easement, to-wit:

The north 5' of Lots 1 and 2, Block 1, Fox Pointe Addition, Wichita, 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 10/4 & 11/93.
2. No private rights will be injured or endangered by the vacation of the above-described portion of 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.

8.03
CK

City Clerk

Vacation Order
V-1835
Page 2 of 2

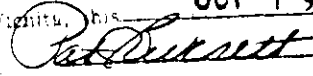
5. The vacation of the portion of utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of October, 1993, ordered that the above-described portion of 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.

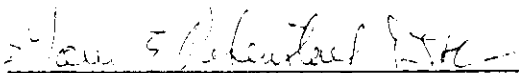

Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

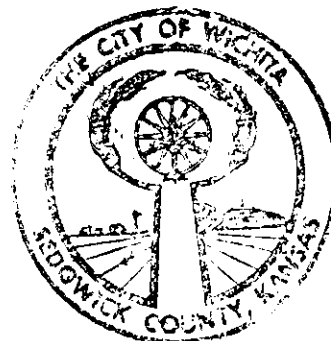
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City of Wichita, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk.
Given under my hand and seal of the City of Wichita, this OCT 19 1993
 Deputy City Clerk

Approved as to Form:

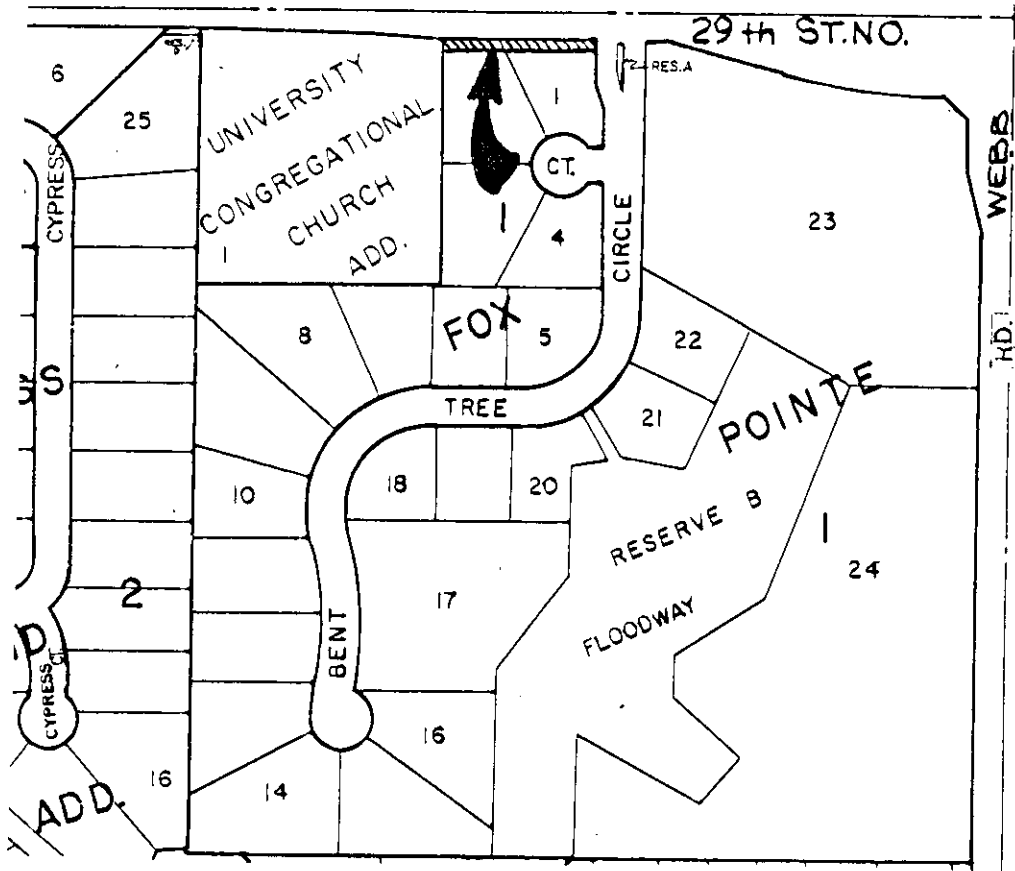

Gary Rebenstorf, Director of Law



81009
DEC 10 1993
PAT BURNETT
CLERK



Sketch.



Application Filed 8/31/93
S/D Comm. Action 9/16/93
RIP
M.A.P.C. Action 9/23/93
RIP

W.C.C. Action 10-19-93 *Approved*
Bd. Co. Co. Action _____
Order to Vacate Recorded _____
December 13 1993