

Planning Agenda Item # _____

City of Wichita
City Council Meeting
June 15, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1812; Request to vacate a utility easement, generally located north of Wassall and east of Hydraulic. (District #3).

INITIATED BY: Metropolitan Area Planning Department

McKrodt

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a utility easement. This lot was platted with a blanket utility easement in the rear yard, as were adjacent lots. A similar vacation request was approved for the adjacent lot to the north. Applicant has requested the vacation of that portion of utility easement not being utilized by the City or utility companies in order to build a detached garage for his single-family house. Staff and MAPC have recommended approval because, upon examination by Staff and utility company representatives, reducing the blanket easement in width would provide applicant with sufficient area to build the garage, and would still provide existing and anticipated utilities with sufficient protections.

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; record the certified copy of the Order, recording costs to be billed to:

150029-2909.

This JUN 15 1993

MICROFILMED
OF RECORD

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF A)
UTILITY EASEMENT)

GENERALLY LOCATED EAST OF HYDRAULIC AND)
NORTH OF PAWNEE)

Case No. V-1812

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of JUNE, 1993, comes on for hearing the petition for vacation filed by Mike and Judy Ruth, praying for the vacation of the following described utility easement, to-wit:

That portion of platted utility easement described as: The utility easement on Lot 20, Block 2, Classen Parked Addition, Wichita, Kansas, except that part of said Lot 20 described as being a 20' wide strip of land lying easterly of, parallel to and adjoining a line beginning at a point on the northerly line of said Lot 99.5 feet easterly of the NW corner of said lot and extending to a point southerly line of said lot 96.5 feet easterly of the SW corner of said lot, and also except that part of said Lot 20 described as being located northeasterly of a line beginning at a point on the northerly line of said Lot 189.0 feet easterly of the NW corner of said lot and extending to a point on the southerly line of said Lot 206.0 feet easterly of the SW corner of said lot.

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 5/14/93 & 5/21/93.

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.

3.00

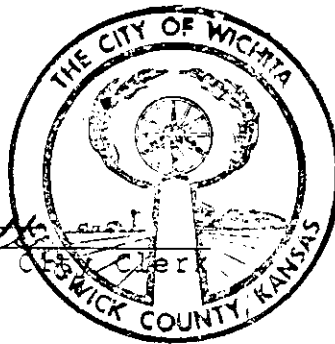
City Clerk

1993 JUN 15

8-

Vacation Order
V-1812
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of June, 1993, 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.



ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

Elma Broadfoot
Elma Broadfoot, Mayor

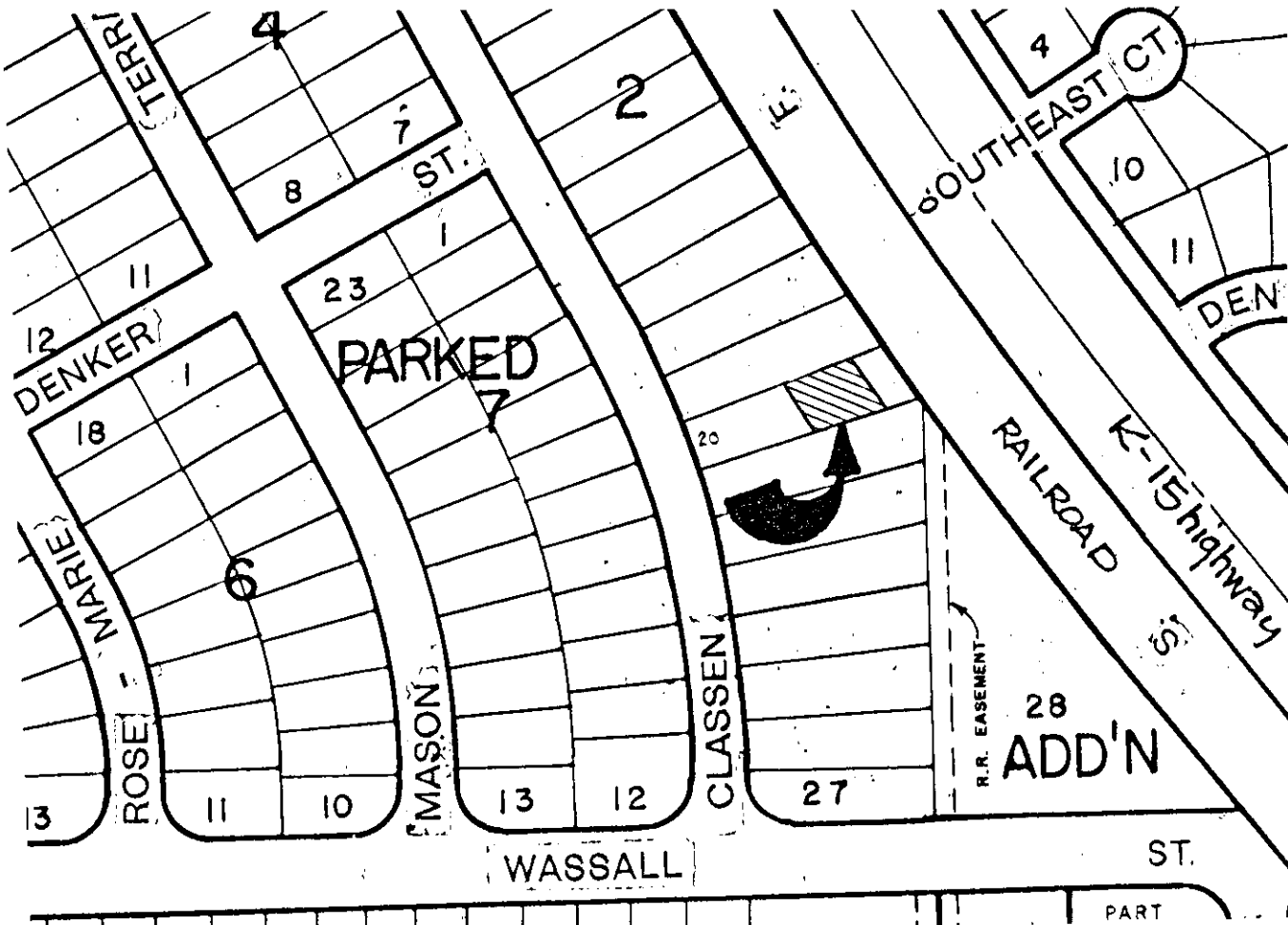
Approved as to Form:

Gary E. Rebenstorf
Gary E. Rebenstorf, Director of Law

STATE OF KANSAS
DEEDS
FILED
JUL 27 1993 1358309

PAT KETTLER
REGISTER OF DEEDS

Ed Broadfoot
Elma Broadfoot



I. Application Filed 4/12/93
S/D Comm. Action 4/29/93 *App*
M.A.P.C. Action 5/16/93 *App*

W.C.C. Action 6-15-94 *app*
Bd. Co. Co. Action _____
Order to Vacate Recorded _____
July 27, 1993