

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 5, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1797 REQUEST TO VACATE A UTILITY EASEMENT LOCATED NORTH OF
HARRY AND EAST OF 143RD STREET EAST

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: Both County Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are located in the easement nor are any planned and the easement may be vacated so as to allow the applicant to building across this lot line.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Action: Approve vacation.



BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION
OF A UTILITY EASEMENT GENERALLY
LOCATED NORTH OF HARRY STREET
AND EAST OF 143RD STREET EAST

MAPD CASE NO. V-1797

VACATION ORDER

NOW on this 10th day of February, 1993, the above-entitled matter comes on for hearing before the Board of County Commissioners of Sedgwick County, Kansas. After hearing the statements of staff and others present, the Commission makes the following findings and orders:

1. Petitioner has heretofore filed a petition praying for the vacation of the following-described real property, to wit:

The 10-foot utility easement as platted along the common lot line of Lots 9 and 10, Block 3, Timber lakes Estates 3rd Addition to Sedgwick County Kansas, except the south 10 feet thereof.

2. Petitioner has shown that proper notice was given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on January 22, 1993; and he has further shown that proper proof of such publication was filed with the County Clerk. The Board further finds that such notice is in lawful form and in conformity to K.S.A. 58-2613.

3. Having heard all interested parties, the Board finds and determines that no private rights would be injured or endangered by such vacation; that the public would suffer no loss or inconvenience thereby; that no written objections thereto have been filed with the

CDH
County Clerk

MICROFILMED
OF RECORD

Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

4. The Board further finds that on December 17, 1992, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and that on January 5, 1993, the Governing Body of the City of Wichita recommended that the said petition be approved.

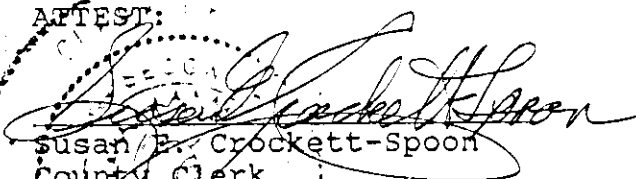
5. For the foregoing reasons, the Board of County Commissioners orders that the above-described utility easement be vacated.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described utility easement be and the same is vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


Mark F. Schroeder, Chairman

ATTEST:

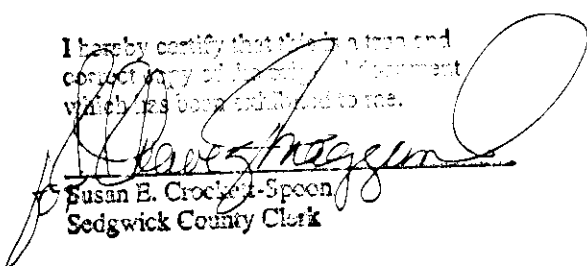

Susan E. Crockett-Spoon
County Clerk

APPROVED AS TO FORM:


Richard A. Euson
Assistant County Counselor



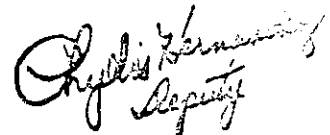
I hereby certify that this is a true and correct copy of the original document which has been submitted to me.

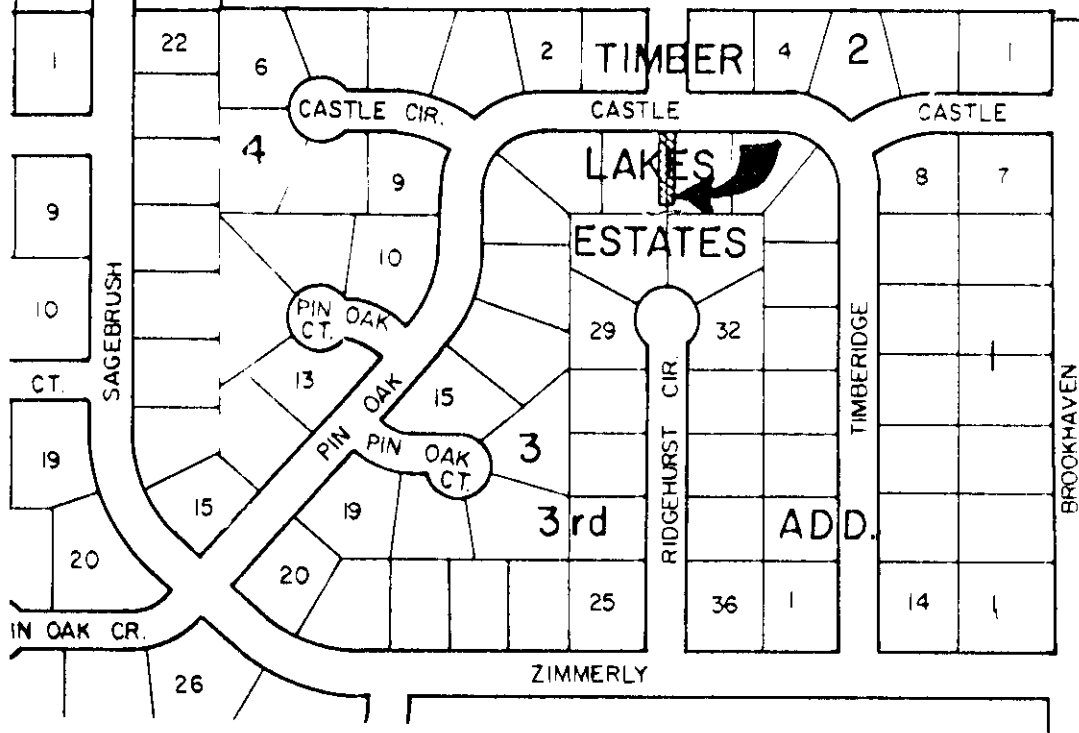

Susan E. Crockett-Spoon
Sedgwick County Clerk

STATE OF KANSAS) SS
SEDGWICK COUNTY) SS
FILED FOR RECORD AT
S. CCA

1495813 B 188

PAT REUTHER
REGISTER OF DEEDS


Cheryl K. Bernhardt
Deputy



Application Filed 11/23/92
 S/D Comm. Action 12/10/92
 M.A.P.C. Action 12/17/92
Approved

W.C.C. Action _____
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____