

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 16, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1911 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED EAST OF TYLER ROAD AND SOUTH OF 21ST ST. NORTH
(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. (13 - 1)

Background: In order to provide additional area for a planned house, the applicant is purchasing several feet from an adjacent lot. However, a utility easement also encumbers the area for the planned home. Both City Engineering and the utility representatives of the Subdivision Committee indicated that the portion of easement requested for vacation is not being used and may consequently 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/Actions:

Close the public hearing; approve the vacation;
authorize the Mayor to sign the Vacation Order and
record the Certified copy of the Vacation Order;
recording costs to be billed to:
150029-2909

This MAY 16 1995

Page 1 of 2

MICROFILMED
OF RECORD

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 TYLER	)	Case No. V-1911
ROAD AND SOUTH OF 21ST ST. NORTH	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 16th day of May, 1995, comes on for hearing the petition for vacation filed by Glenn R. & June D. Cole, praying for the vacation of the following described utility easement, to-wit:

A utility easement described as: The north 5 feet of Lot 6, Block 1 Reflection Ridge 9th Addition to Wichita, Sedgwick County, Kansas; except the east 25 feet thereof.

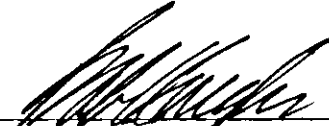
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 4/21/95 & 4/28/95.
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.

Vacation Order
V - 1911

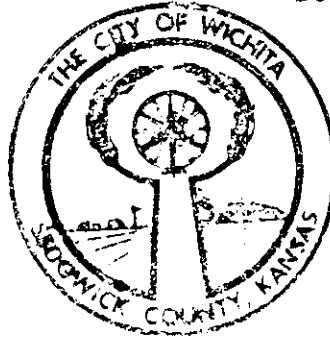
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of May, 1995, 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.

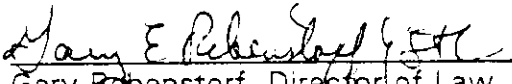

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:

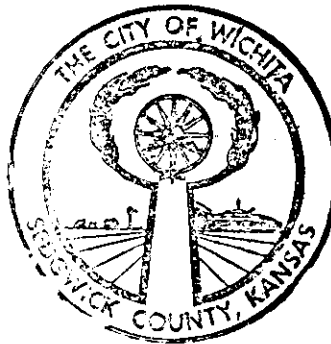

Gary Rebenstorf, Director of Law

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

I, Toni Schneider, 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 the the City Clerk.

Given under my hand and seal of the City of

Wichita, this May 19, 1995
Toni Schneider Deputy City Clerk



STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT

10-00
1455564 E 26 B

PAT KETTLER
REGISTER OF DEEDS

RESERVE 1

7 TH

TEE TIME

9

RES. 6

CENTRAL PARK

RES. 1

RES. 1

RESERVE 4

RES. 1

REFLECTION

RIDGE

TEE TIME

THE LIVING CIRCLE

9 TH

RESERVE 3

SPRING MEADOW

MEADOW GROVE

REFLECTION

MEADOW GROVE

LECTION

RESERVE 1

RESERVE

GOING
AOC

45

REFLECTION

4