Plannin_ genda #_____

City of Wichita
City Council Meeting
February 7, 1995

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1895 REQUEST TO VACATE A UTILITY EASEMENT LOCATED WEST OF MERIDIAN AND SOUTH OF 29TH STREET 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.
(unanimous)

Background: An addition to a home was found to be encroaching the utility easement and the vacation is being requested to clear the cloud on the property's title. Both City Engineering and the utility representatives of the Subdivision Committee have indicated that no facilities are located in the portion of easement requested for vacation and consequently the easement can be vacated without harm. 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

MICROFILMED OF RECORD

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

IN THE MATTER OF A UTILITY EASEMENT	)	
GENERALLY LOCATED WEST OF MERIDIAN AND SOUTH OF 29TH ST. NORTH	)	MAPD Case No. V-1895
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 7th day of February, 1995, comes on for hearing the petition for vacation filed by Linda Dreiling, praying for the vacation of the following described utility easement, to-wit:

The 8 foot utility easement platted along the west line of Lot 1, Block 1, Valley Park Addition, Wichita, Kansas or more particularly described as that portion of easement starting at the south line of Lot 1, Block 1 and extending northward 70.3 feet.

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 1/20/95 & 1/27/95.

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.

Ret to City Clerk

150029 2909

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of February, 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.

Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

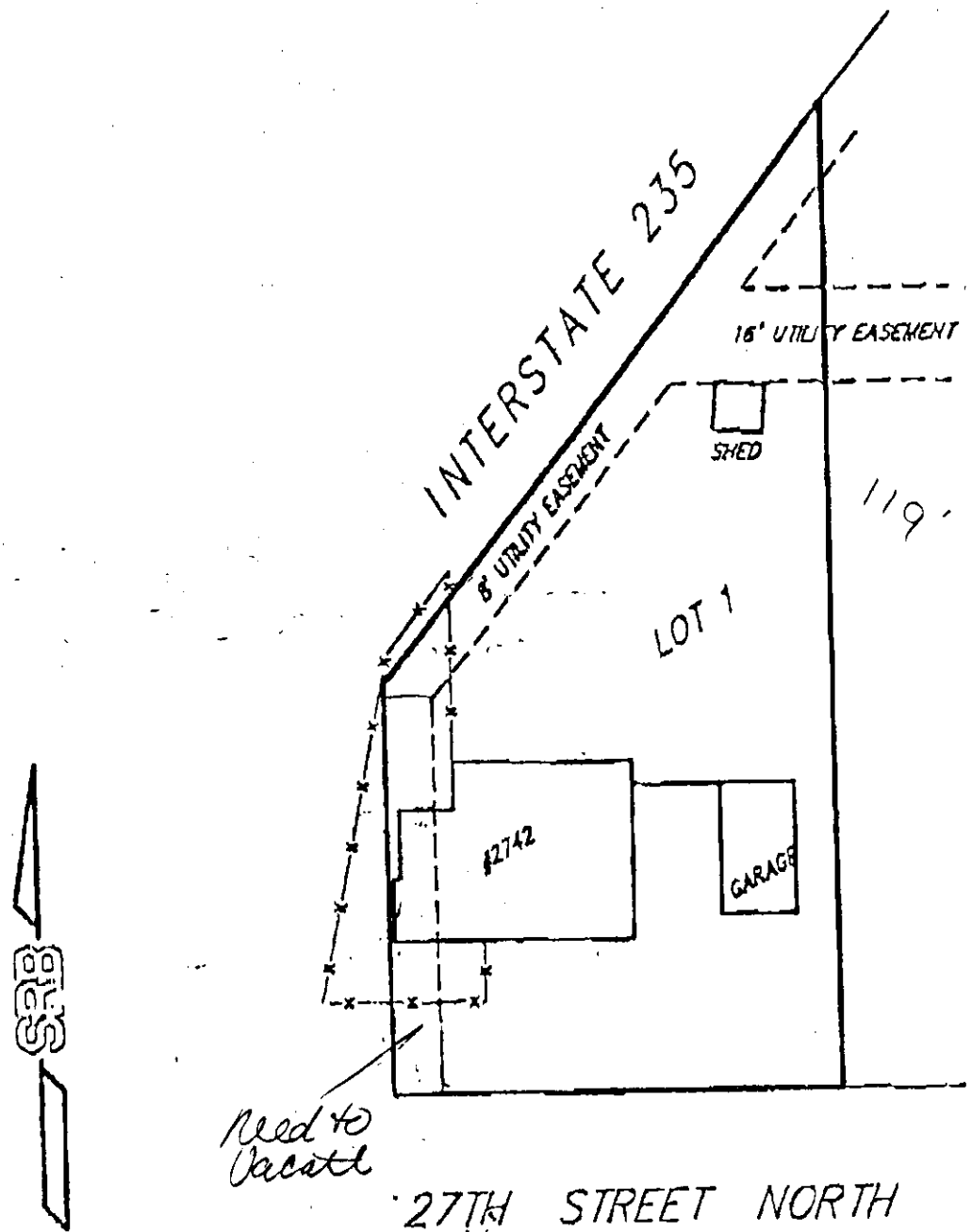
State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Cheryl Holloway Deputy City Clerk of the City of Wichita, [illegible] that the document to which this [illegible] and correct copy of the original [illegible] City Clerk.
Given under my [illegible] the City of Wichita, this February 22, 1995.
Deputy City Clerk
CHERYL HOLLOWAY

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT 8:00 A M
MAR 07 1995
NO. 1439736
PAT KETTLER
REGISTER OF DEEDS

Ed Ross
Deputy

MORTGAGEE TITLE INSPECTION
(This Does Not Constitute A Boundary Survey)
Note: Positional tolerance of setback and offside dimensions is 0.5± unless otherwise noted.)

Legal
L 1 Blk 1 Valley Par