

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 18, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1884 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED EAST OF TYLER ROAD AND SOUTH OF
WESTLAWN CIRCLE
(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: Subject property is zoned the "BB" Office District. A developer is proposing to construct one office building, centered on the two lots. There are no utilities within the easement at the present time and all utility departments/companies have approved the vacation of the easement. The vacation request has been reviewed and approved by the Planning Commission.

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

Approved / Accepted By City Council

This OCT 18 1994

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**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 ROAD) Case No. V-1884
AND SOUTH OF WESTLAWN CIRCLE)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18TH day of October, 1994, comes on for hearing the petition for vacation filed by Quentin J. Moeder, Vice President, Greystone Construction, Inc., praying for the vacation of the following described utility easement, to-wit:

The north 5 feet of Lot 1, except the east 20 feet thereof and the south 5 feet of Lot 2, except the east 20 feet thereof, Cedar Meadows 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 10-5-94 & 10-12-94.
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

1-101

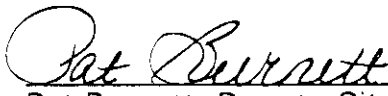
Vacation Order
V - 1884

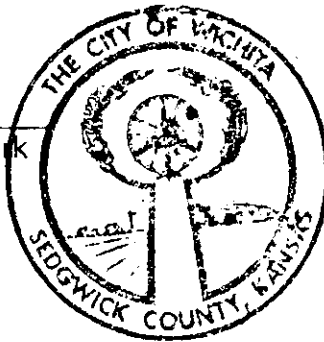
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of October, 1994, 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.

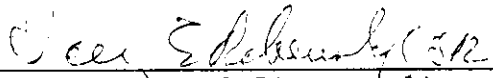

Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:

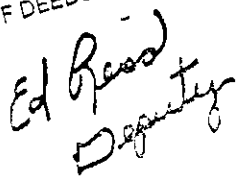

Gary Rebenstorf, Director of Law

MICROFILMED
OF RECORD



STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8-00 AM

NOV 23 1994
NO. 1422750
PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy

WEST LINE OF NW1/4 SEC 9, TWP 27-S, R-1-W

TYLER ROAD

60'

C.A.C.

RES "A"

WESTLAWN CIRCLE

COMPLETE ACCESS CONTROL

64'

9.81'

163.24'
BUILDING

SETBACK

20'

15'

RES "B"

180'

180.31'

SETBACK

LOT 2

PROPOSED

ACCESS CONTROL EXCEPT 1 OPENING PER LOT

15'

165'

10' UTILITY EASEMENT
PROPOSED VACATION

BUILDING

EASEMENT

227.06'

EASEMENT

WALL

RES "C"

177.46'

177.04'

BUILDING

20'

LOT 1

20' UTILITY

172.40'

5' WALL EASEMENT

165.06'

RES "D"

15.01'

15.01'

60'