Planning Agenda #_____

City of Wichita
City Council Meeting
June 14, 1994

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1868 REQUEST TO VACATE A UTILITY EASEMENT LOCATED EAST OF OLIVER AND SOUTH OF 37TH STREET NORTH
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (11-1)

Background: Both City Engineering and the utility representatives of the Subdivision Committee indicated the easement was no longer needed. A previous vacation had vacated a northern portion of this easement and subsequently provided a substitute easement to the north. Goodwill Industries plans an expansion across the lot line along which this portion of easement still exists. 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

FILED

FILM 1 4 5 3 PAGE 0 1 4 0
Approved & Accepted By City Council
This JUN 1 4 1994

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

IN THE MATTER OF THE VACATION OF A UTILITY EASEMENT	)	
GENERALLY LOCATED SOUTH OF 37TH STREET NORTH AND EAST OF OLIVER	)	Case No. V-1868
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 14TH day of June, 1994, comes on for hearing the petition for vacation filed by Marie Mareda, Agent for Goodwill Industries, praying for the vacation of the following described utility easement, to-wit:

That portion of a platted utility easement described as:
The north 5 feet of the east 515 feet of Lot 1, Block A, Richland Heights Addition, 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 5/27/94 & 6/3/94.

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.

MICROFILMED OF RECORD

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.

8.00 ck

City clerk

150029 2909 8-

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of June, 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
2:00 P M
JUL 21, 1994
NO. 1398241
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

Approved as to Form:

Gary Ebenstorf, Director of Law

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

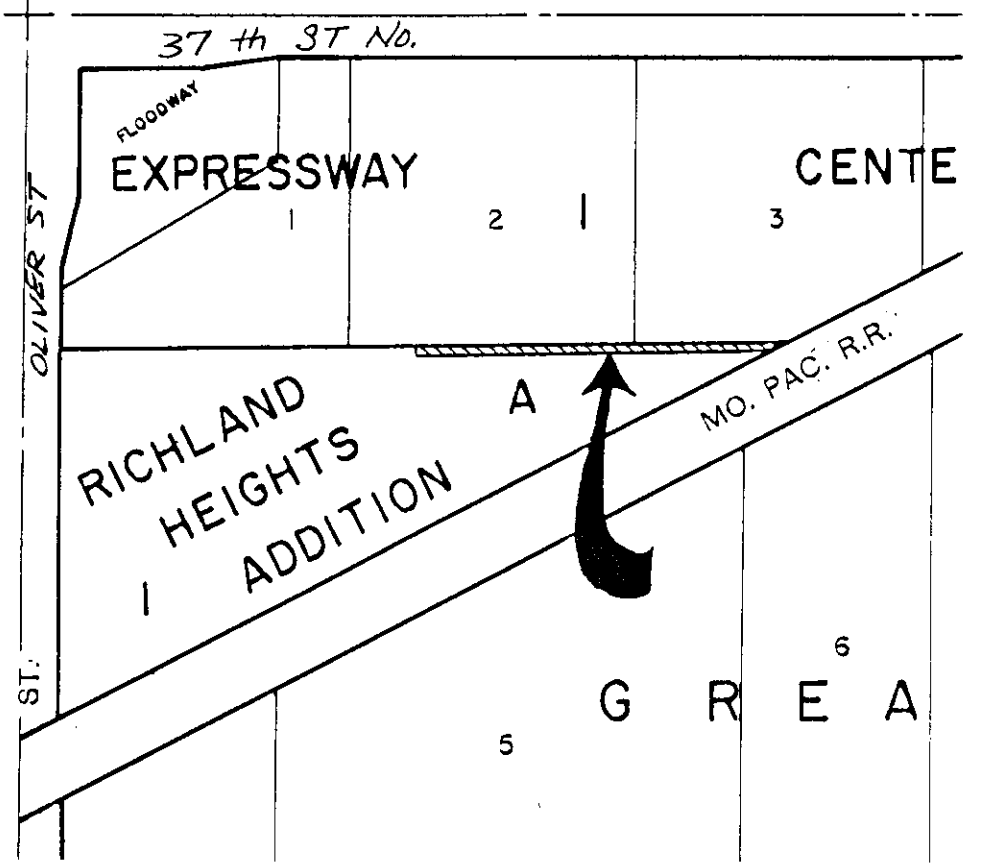
State of Kansas }
Sedgwick County) ss
City of Wichita)

I, Cheryl Hollowell, 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 July 7, 1994

Deputy City Clerk

Sketch.



Application Filed 4/8/94
S/D Comm. Action 4/28/94
App (5-1) Ross - No
M.A.P.C. Action <=> 5/19/94
App. (11-1) Ross - No

W.C.C. Action Approved 6-14-94
Bd. Co. Co. Action
Order to Vacate Recorded July 21, 1994