Planning Agenda #_____

City of Wichita
City Council Meeting
May 17, 1994

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1864 Request to vacate a portion of utility easement located north of 13th St. N. and east of 119th St. West. (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 existing home was found to be encroaching the easement and the vacation is needed to remove the cloud on the property 's title. A City sanitary sewer line is located in the portion of the easement located on the adjacent lot. While City Engineering does not encourage reducing an easement being used for a sewer line, the minor area involved in this vacation case should not create any problems. Other utility representatives of the Subdivision Committee also indicate that none of their facilities would be impacted.

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 a certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

FILM | 454 PAGE 748

Approved / Accepted By City Council
This MAY 17 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 NORTH OF 13TH ST. N. & EAST OF 119TH ST. WEST	)	Case No. V-1864
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 17th day of May, 1994, comes on for hearing the petition for vacation filed by George Seferoglou, praying for the vacation of the following described utility easement, to-wit:

That part of Lot 12, Block 9, Echo Hills an Addition to Wichita, Sedgwick County, Kansas described as commencing at the S.E. Corner of said Lot 12; thence N 57° 52' 45" W, along the south line of said Lot 12, 69.87 feet; thence N 15° 49' 02" E, 5.77 feet for a place of beginning; thence continuing N 15° 49' 02" E, 4.65 feet to a point on the northerly line of the platted 10 foot utility easement; thence S 57° 52' 45" E, along the northerly line of said easement, 16.57 feet; thence N 74° 10' 58" W, 15.90 feet to the point of beginning.

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 5-6-94 & 5-13-94.

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 ck City Clerk 15002 8909

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 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

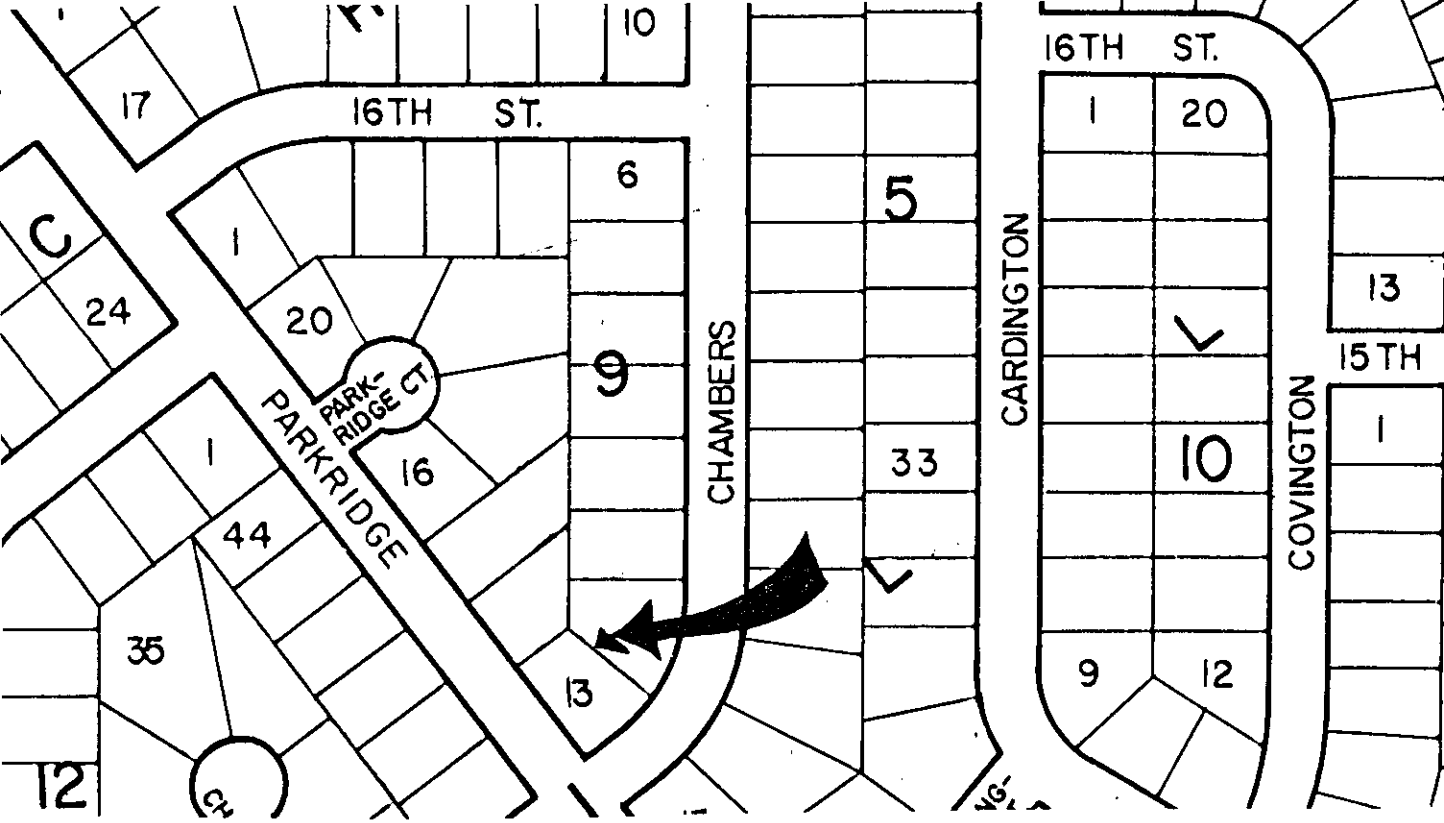
State of Kansas }
Sedgwick County } ss
City of Wichita }

I, Mary Holland, 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 17 day of May, 1994

Deputy City Clerk

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT 8:00 A M
JUN 16 1994
1389996
NO.
PAT KETTLER
REGISTER OF DEEDS
Ed Reed
Deputy



II. Application Filed 3/28/94
S/D Comm. Action 4/14/94
AAP
M.A.P.C. Action >
4/21/94

W.C.C. Action 5-17-94 Approved

Bd. Co. Co. Action

Order to Vacate Recorded June 16, 1994