

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 21, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1962 REQUEST TO VACATE A UTILITY
EASEMENT NORTH OF CENTRAL AND EAST OF 119TH STREET
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. (11-1)

Background: The applicant desires to vacate a 10-foot portion of a 20-foot utility easement in his back yard to allow for the construction of a swimming pool. According to City Engineering the sewer was located in a 10-foot easement along the front of the property and the utility representatives of the Subdivision Committee indicated that their utilities were not located within the requested vacation area and that the remaining 10-foot easement is sufficient to service the utilities located within the easement. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. The reason given for the one dissenting vote was that the commissioner was opposed to any development or redevelopment in a flood plain.

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 21 1996

Page 1 of 2

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

COPY

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
NORTH OF CENTRAL AND EAST
OF 119TH STREET WEST

MORE FULLY DESCRIBED BELOW

)
)
)
) Case No. V-1962
)

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

8:30a

1532606 3-78

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 21st day of May, 1996, comes on for hearing the petition for vacation filed by Scott & Linda Brown, praying for the vacation of the following described utility easement, to-wit:

That portion of a platted utility easement described as:
The south ten (10) feet of the 20-foot utility easement as platted adjacent to the north property line of Lot 3, Block 1, Golden Hills 2nd Addition, Wichita, Sedgwick County, Kansas except the westerly five (5) 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 5/10/96 & 5/17/96.
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.

COPY

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Vacation Order
V - 1962

Page 2 of 2

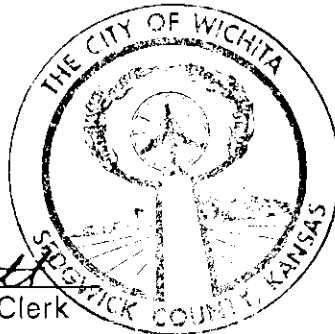
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

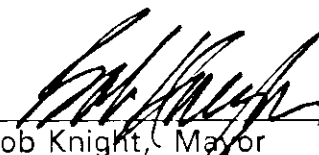
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of May, 1996, 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.

ATTEST:

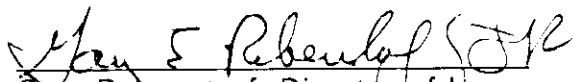

Pat Burnett, City Clerk

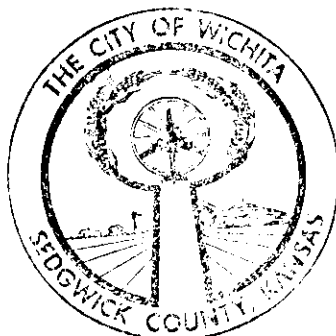



Bob Knight, Mayor

Approved as to Form:

COPY


Gary Regenstorf, Director of Law



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

I, Pat Burnett, 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 of the City Clerk. Given under my hand and seal of the City of

Wichita, this MAY 21 1996
 City Clerk

