

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1960 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA WEST OF ROCK AND SOUTH OF 37TH
STREET NORTH.
(District # 2)

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 an unused water line easement, since the existing water line in the easement was abandoned and recolated. According to City Engineering and the utility representatives of the Subdivision Committee the easement being requested for vacation is not necessary to serve the application area nor surrounding properties. 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 re-development 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

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

COPY

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
WEST OF ROCK AND SOUTH OF
37TH STREET NORTH

MORE FULLY DESCRIBED BELOW

Case No. V-1960

STATE OF KANSAS }
SEDGWICK COUNTY } ss
FILED FOR RECORD AT

8:30 am

1532605 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 Wayne H. Wong, praying for the vacation of the following described utility easement, to-wit:

Commencing at the intersection of the east line of Lot 4, Block 1, Comotara Power Center 2nd Addition to Wichita, Sedgwick County, Kansas, with the south line of a 20 foot water line easement as platted in said Lot 4; thence S 88°54'38" W, along the south line of said easement, 70.72 feet for a point of beginning; thence continuing S 88°54'38" W, along the south line of said easement, 150.99 feet; thence N 46°05'22" W, 28.28 feet to a point on the north line of said easement; thence N 88°54'38" E, along the north line of said easement, 171.37 feet; thence S 00° E, 20 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 5/10/96 & 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.

COPY

Vacation Order
V - 1960

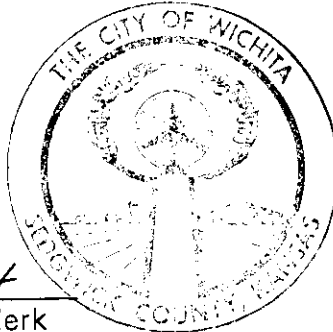
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3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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.

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.



Bob Knight
Bob Knight, Mayor

ATTEST:

Pat Burnett
Pat Burnett, City Clerk

COPY

Approved as to Form:

Gary Regenstorf
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
Pat Burnett City Clerk

34TH ST. N.

5

4
POWER
CENTER

PLAZA

CENTER

2
SECOND

2

ND

4

3

COMOTARA
PART OF
5
POWER
CENTER

ROCK RD

K-96