Planning Agenda #_____

**City of Wichita**
**City Council Meeting**
**October 10, 1995**

Agenda Report #_____

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1930 REQUEST TO VACATE A UTILITY EASEMENT IN AN AREA LOCATED SOUTH OF 37TH STREET NORTH AND WEST OF ROCK ROAD.
(District #2)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of a utility easement.

MAPC Recommendation: Approve vacation of a utility easement. (unanimous)

Background: The applicant desires to vacate a utility easement in order to create a larger buildable area among the involved lots through a boundary shift. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the utilities have been installed outside of the area of easement being requested for vacation and no harm should result due to this vacation. 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

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

Approved / Accepted By City Council
This OCT 10 1995



MICROFILMED
OF RECORD

FILM 1563 PAGE 0023

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

IN THE MATTER OF THE VACATION OF UTILITY EASEMENT

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

MORE FULLY DESCRIBED BELOW

Case No. V-1930

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 a.m.

1488048 NO-6 95

PAT KETTLER
REGISTER OF DEEDS

## VACATION ORDER

NOW on this 10th day of October, 1995, comes on for hearing the petition for vacation filed by Leewood Homes, Inc., praying for the vacation of the following described utility easement, to-wit:

The east 5 feet of Lot 17, Block 1, Leewood Village at Northrock Second, an addition to Wichita, Sedgwick County, Kansas, EXCEPT the north 10 feet thereof,

and the west 5 feet of Lot 18, Block 1, of said addition, EXCEPT the north 10 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 9-22-95 & 9-29-95.

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.

8.00 k

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

City Clerks Office
455 N. Main - 12th Floor
Wichita, KS 67202

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of October, 1995, 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, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

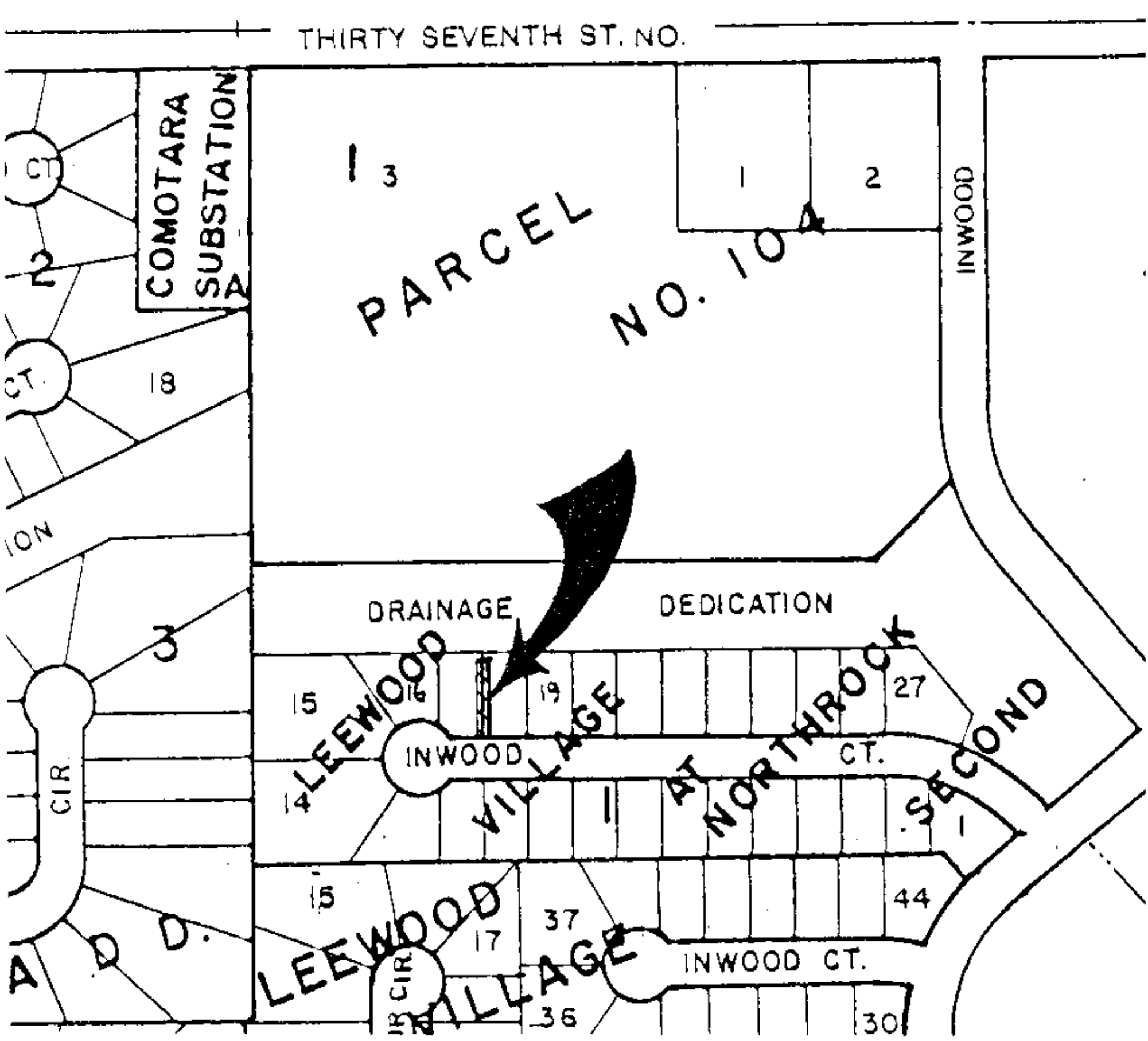
Gary Rebenstorf, Director of Law

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

I, Pat Burnett, 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 OCT 10 1995

Pat Burnett Deputy City Clerk


THIRTY SEVENTH ST. NO.
COMOTARA SUBSTATION
PARCEL NO. 104
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LEEWOOD VILLAGE AT NORTHROCK SECOND
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