

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 31, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1929 REQUEST TO VACATE UTILITY EASEMENT
IN AN AREA WEST OF WEBB AND NORTH OF CENTRAL.
(District #2)

INITIATED BY: Metropolitan Area Planning Department *M.K.*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant desires to vacate the east 4 feet of a 10 foot utility easement to allow a swimming pool to remain at its existing location on the lot. A substitute easement has been submitted for a 5 foot strip abutting this easement to the west, in which City Engineering and representatives of the utilities on the Subdivision Committee indicate the utilities have actually been installed. The swimming pool also encroaches into a large private pipeline easement, which is still the owner's responsibility to resolve privately. 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:

Accept the utility easement; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; and utility easement recording costs to be billed to: 150029-2909

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

IN THE MATTER OF THE VACATION OF
OF A UTILITY EASEMENT

GENERALLY LOCATED
WEST OF WEBB ROAD AND
NORTH OF CENTRAL

Case No. V-1929



STATE OF KANSAS)
SEDGWICK COUNTY)
FILED FOR RECORD AT
9:00 AM

MORE FULLY DESCRIBED BELOW

1492649 230 95

VACATION ORDER

PAT RETTLER
REGISTER OF DEEDS

Handwritten signature: Patricia R. Retzler

NOW on this 31st day of October, 1995, comes on for hearing the petition for vacation filed by Patrick C. Baldwin and Debra S. Baldwin, praying for the vacation of the following described utility easement, to-wit:

That portion of a utility easement described as:

From the southeast corner of Lot 23, Block 1, Gatewood Second Addition, Wichita, Sedgwick County, Kansas; thence northwesterly on the southerly line of said Lot 23 to the east line of a platted ten foot wide utility easement; thence north on the east line of said easement a distance of 45 feet to the point of beginning; thence continuing north on the east line of said easement a distance of 70 feet; thence west four feet; thence south parallel to the east line of said easement a distance of 70 feet; thence east four 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 10/6/95 & 10/13/95

Handwritten initials: S. W. C.

Vacation Order
V -1929

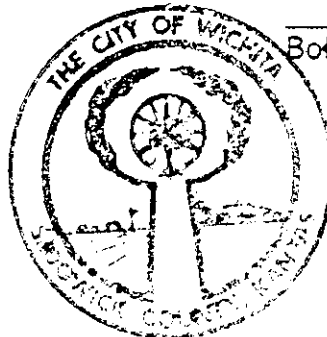
Page 2 of 2

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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 31st 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.

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf (JHK)
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 of the City Clerk. Given under my hand and seal of the City of

Wichita, this 001 31 1995
Pat Burnett Deputy City Clerk

