

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1927 REQUEST TO VACATE A UTILITY EASEMENT
IN AN AREA NORTH OF CENTRAL AND WEST OF TYLER ROAD.
(District #5)

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 a utility easement and relocate the existing sewer line in order to construct a building over the present easement area. A new 20 foot wide utility easement will be created which will contain the relocated sewer line. 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; utility easement recording costs to be billed to: 150029-2909

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

FILED 563 PAGE 0021
Approved / Accepted By City Council
This OCT 10 1995

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MICROFILMED
OF RECORD

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 CENTRAL AND EAST
OF TYLER ROAD

MORE FULLY DESCRIBED BELOW

Case No. V-1927



STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

Crystal Hernandez
Deputy

VACATION ORDER

1488047 2-68

PAT KETTLER
REGISTER OF DEEDS

NOW on this 10th day of October, 1995, comes on for hearing the petition for vacation filed by Edward T. Neville, et al, praying for the vacation of the following described utility easement, to-wit:

The vacation of a 20 foot wide utility easement within Lot 1, Tyler Acres Fifth Addition, Wichita, Kansas, lying 10 foot either side of the following described centerline: commencing at the northeast corner of Lot 3, in said Addition, thence S01°45'30"W, 60 feet, along the east line of said Lot 3; thence S90°E, 305.06 feet parallel with the south line of said Lot 1, to the point of beginning; continuing S90°E, 175.30 feet more or less to the westerly line of a 20 foot wide utility easement centered on the east line of said Lot 1.

715.30

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.

8:00k

Vacation Order
V-1927

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

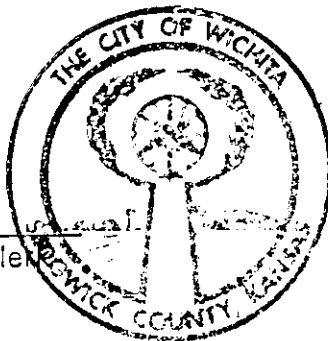
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

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

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E Rebenstorf
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 OCT 12 1995
Pat Burnett Deputy City Clerk

