

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 19, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1994 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF KELLOGG STREET AND WEST OF
BEVERLY DRIVE.
(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. (unanimous)

Background: The applicant is requesting the vacation of an unused utility easement on the south 5 feet of their lot in order to construct a screening wall on the south side of the lot. The utility representatives of the Subdivision Committee indicate that no facilities are located in the easement. Therefore the utility easement may be vacated so as to allow the applicant to construct the screening wall.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

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 and authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

This NOV 19 1996

Page 1 of 2

COPY

**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 KELLOGG STREET AND
WEST OF BEVERLY DRIVE**

MORE FULLY DESCRIBED BELOW

)
)
)
)
)
)
)

Case No. V-1994

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

1580651 5225

LARRY CONSOLV
REGISTER OF DEED

Debra M. Anderson
Deputy

VACATION ORDER

NOW on this 19th day of November, 1996, comes on for hearing the petition for vacation filed by Lindy Andeel, Member of New Western, LC, praying for the vacation of the following described utility easement, to-wit:

The south 5 feet of the east 127.72 feet of Lot 1, New Western 4th Addition, Wichita, Sedgwick County, Kansas.

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 11/8/96 & 11/15/96.
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.
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.

COPY

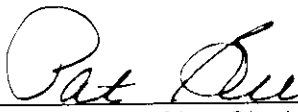
COPY

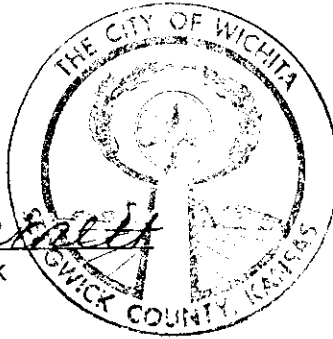
Vacation Order
V - 1994

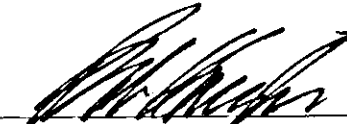
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November, 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.

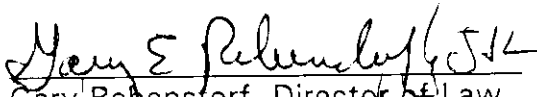
ATTEST:

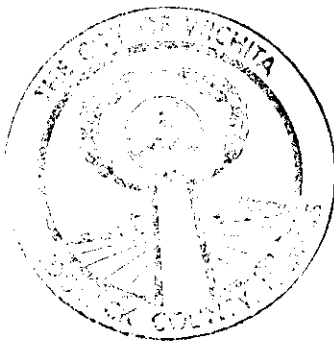

Pat Burnett, City Clerk

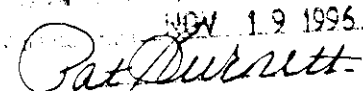



Bob Knight, Mayor

Approved as to Form:


Gary E. Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document described herein is a true and correct copy of the original as the same appears in the City Clerk's Office.
WICHITA, KANSAS, NOV 19 1996
 City Clerk

DAVIS MOORE 10TH ADD.
2
4
ADD.
3

PINECREST AVE.

CAN & SMITH
REPLAT OF
PART 3P
B.L.C.
BEVERLY
MANOR

NEW WESTERN 2 ADD.
NEW WESTERN 4TH
7

KELLOGG

SYLVAN LANE

REPLAT OF PART OF BLOCK 3 7 BEVERLY 6 MANOR

BEVERLY DR.

12	29
2	
20	21

MARCILENE

DAVIS- MOORE 9 ADD.
12
OF
9

EASEMENT
21
10.

24	1
4	

24	1
APT 5	

ORME

24	1
6	

24	
7	