Planning Agenda #_____

City of Wichita
City Council Meeting
November 5, 1996

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1991 REQUEST TO VACATE A UTILITY EASEMENT LOCATED EAST OF HILLSIDE AND SOUTH OF 31ST STREET SOUTH (District #3)

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 desires to vacate an unused side yard utility easement in order to construct a garage. According to City Engineering and the utility representatives of the Subdivision Committee the easement being requested for vacation is unused and may be eliminated. The applicants property was also platted with only 8 feet (half of a 16 foot easement) or two feet less than the standard easement when sanitary sewer lines are involved along the rear of the property. Therefore, the applicant has provided an additional easement of two feet along the existing sanitary sewer easement. 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 easement, close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the easement and the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

FILM 668 PAGE 027 COPY

Approved / Accepted By City Council
This NOV 5 1996

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

IN THE MATTER OF THE VACATION OF A UTILITY EASEMENT	)	
GENERALLY LOCATED EAST OF HILLSIDE AND SOUTH OF 31ST STREET SOUTH	)	Case No. V-1991
MORE FULLY DESCRIBED BELOW	)	

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
9:00 A M
1580652 3225
LARRY CONSOLVER
REGISTER OF DEEDS
Deputy

VACATION ORDER

NOW on this 5th day of November, 1996, comes on for hearing the petition for vacation filed by Cheryl L. Moody, praying for the vacation of the following described utility easement, to-wit:

Vacate a utility easement described as:
The platted 16-foot, North/South utility easement centered on the lot line common to Lots 11 and 12, Block 2, Butler's Addition, Wichita, Sedgwick County, Kansas except the north 8 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 10/18/96 & 10/25/96

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.

COPY

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

COPY

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th 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.

Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to Form:

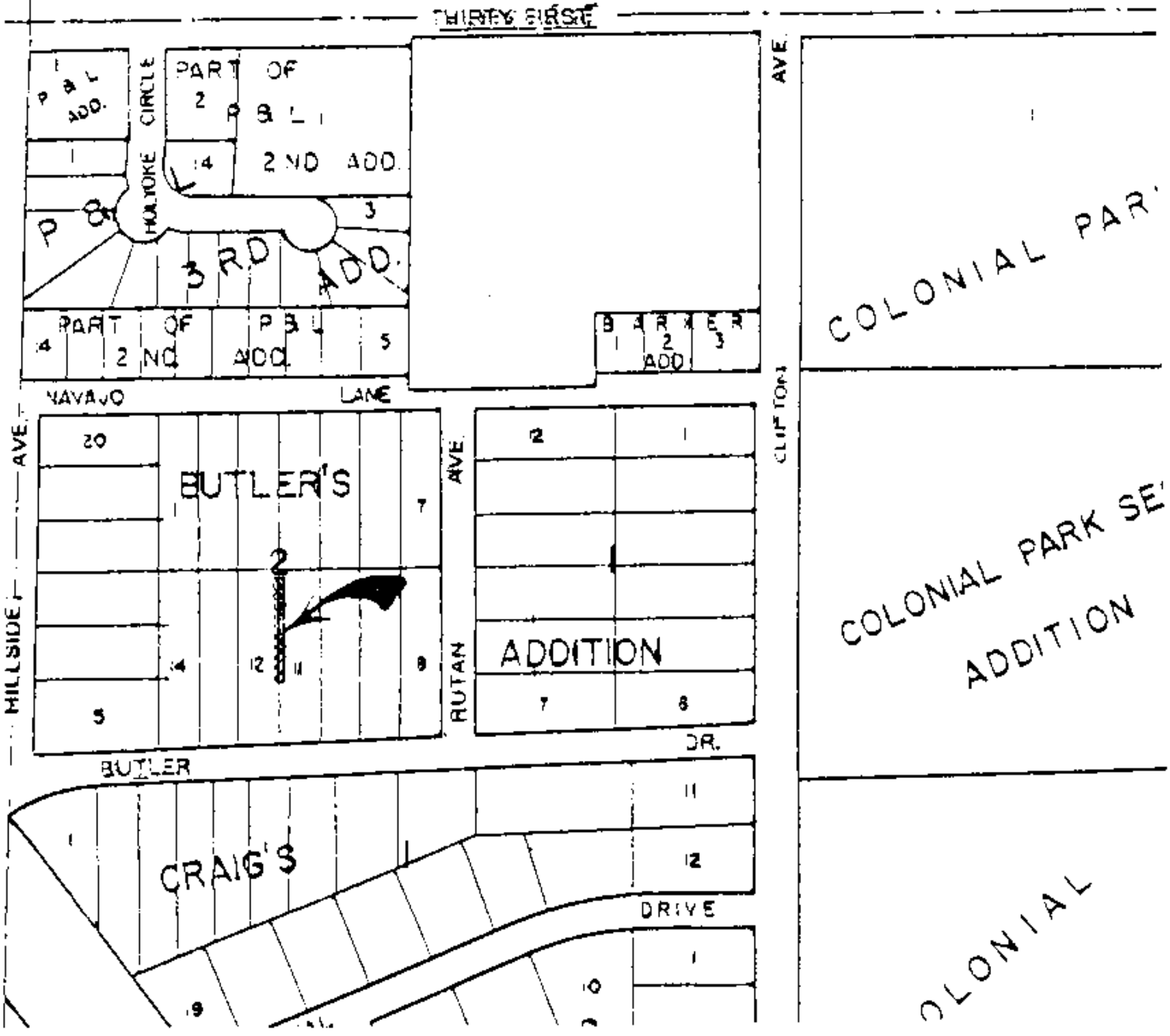
Gary Rebenstorf, Director of Law

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 NOV 5 1996

Pat Burnett City Clerk


THIRTY FIRST
PART OF 2 P B L 1 2 ND ADD.
14
3
HOLYOKE CIRCLE
P B L ADD.
3 RD ADD.
PART OF 4 2 ND ADD P B L 5
B A R 1 2 ADD E R 3
NAVAJO LANE
HILLSIDE AVE.
BUTLER'S
20
7
14
12
11
9
5
2
AVE.
RUTAN
ADDITION
12
1
7
8
CLIFTON AVE.
COLONIAL PAR
COLONIAL PARK SE
ADDITION
DR.
BUTLER
CRAIG'S
11
12
DRIVE
1
9
10
OLONIAL