

Planning Agenda # _____

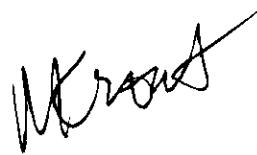
**City of Wichita
City Council Meeting
July 9, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1972 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED IN AN AREA SOUTH OF CENTRAL AND
EAST OF 135TH STREET WEST.
(District #5)

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 develop two platted lots as a single building site. In order to use the platted lots for this purpose; an existing utility easement between the lots must be vacated and the existing utilities in the easement must be relocated. The applicant has made arrangements with all the utility companies that have services in the easement to have those services moved from the easement. City Engineering and the utility representatives of the Subdivision Committee have indicated that once the utilities are relocated out of the easement being requested for vacation 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

COPY

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

IN THE MATTER OF THE VACATION OF	)	
A UTILITY EASEMENT	)	
	)	
GENERALLY LOCATED	)	Case No. V-1972
SOUTH OF CENTRAL AND	)	
EAST OF 135TH STREET WEST	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 9th day of July, 1996, comes on for hearing the petition for vacation filed by Kerri Keller & Dallas Keller, praying for the vacation of the following described access control, to-wit:

Vacation of a utility easement described as the west 5 feet of Lot 14 and the east 5 feet of Lot 15, block 2, Rainbow Lakes West 4th addition, Sedgwick County, Kansas except the north 10 feet and south 25 feet.

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 6-24-96 & 7-1-96.
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.

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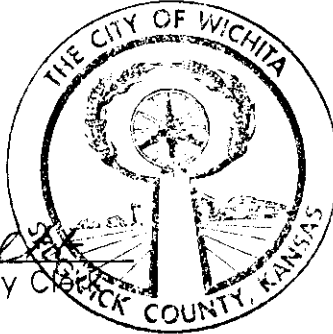
Vacation Order
V - 1972

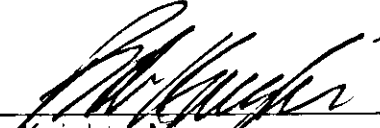
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of July, 1996, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

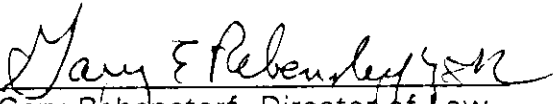
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

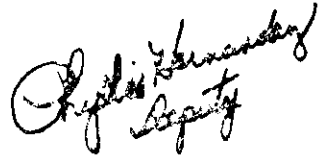
Approved as to Form:


Gary Rebenstorf, Director of Law

STATE OF KANSAS)
SEDGWICK COUNTY) ss
FILED FOR RECORD AT

3:30 P M
1544365 #248

PAT KETTLER
REGISTER OF DEEDS


Deputy Register



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.

Witness my hand and seal of the City of

Attest, this JUL 9 1996

City Clerk

135TH ST W

