Planning Agenda #_____

City of Wichita
City Council Meeting
April 14, 1998

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2069 REQUEST TO VACATE UTILITY EASEMENT LOCATED IN AN AREA SOUTH OF CENTRAL AND EAST OF GREENWICH.
(District #1)

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 requests to vacate 23 feet wide portion of a 20 foot wide utility easement, which would allow the footings and eaves of a proposed new home to encroach into the easement. This site was annexed into the City of Wichita in February 1998. City Engineering has indicated that this vacation is acceptable. The vacation request has been reviewed and approved by the Planning Commission. No members of the public addressed the MAPC in opposition to this request.

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: 150003-2909

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Approved / Accepted By City Council

This APR 14 1998

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 CENTRAL AND EAST OF GREENWICH) Case No. V-2069
)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS) SS
SEDGWICK COUNTY)

MAY 5 4 40 PM '98

REGISTER OF DEEDS SEDGWICK COUNTY KANSAS

Deputy

VACATION ORDER

NOW on this 14th day of April, 1998, comes on for hearing the petition for vacation filed by Mark E. Cox, Inc., praying for the vacation of the following described utility easement, to-wit:

Beginning at the NW corner of Lot 13, Block 6, White Tail, a subdivision in Sedgwick County, Kansas; thence S along the west property line of said Lot 13 a distance of 20 feet to the edge of the platted 20-foot utility easement; thence E along the platted easement line a distance of 25 feet to the true point of beginning; thence N and perpendicular to the easement line of 3 feet; thence E and parallel with the easement line a distance of 40 feet; thence S and perpendicular to the easement line a distance of 3 feet; thence W along the easement line a distance of 40 feet to the point of beginning.

MICROFILMED OF RECORD

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 one time 3-19-1998, which was at least 20 days prior to this public hearing.

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, subject to the following conditions:

A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

8.00

8.00

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of April, 1998, 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

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law

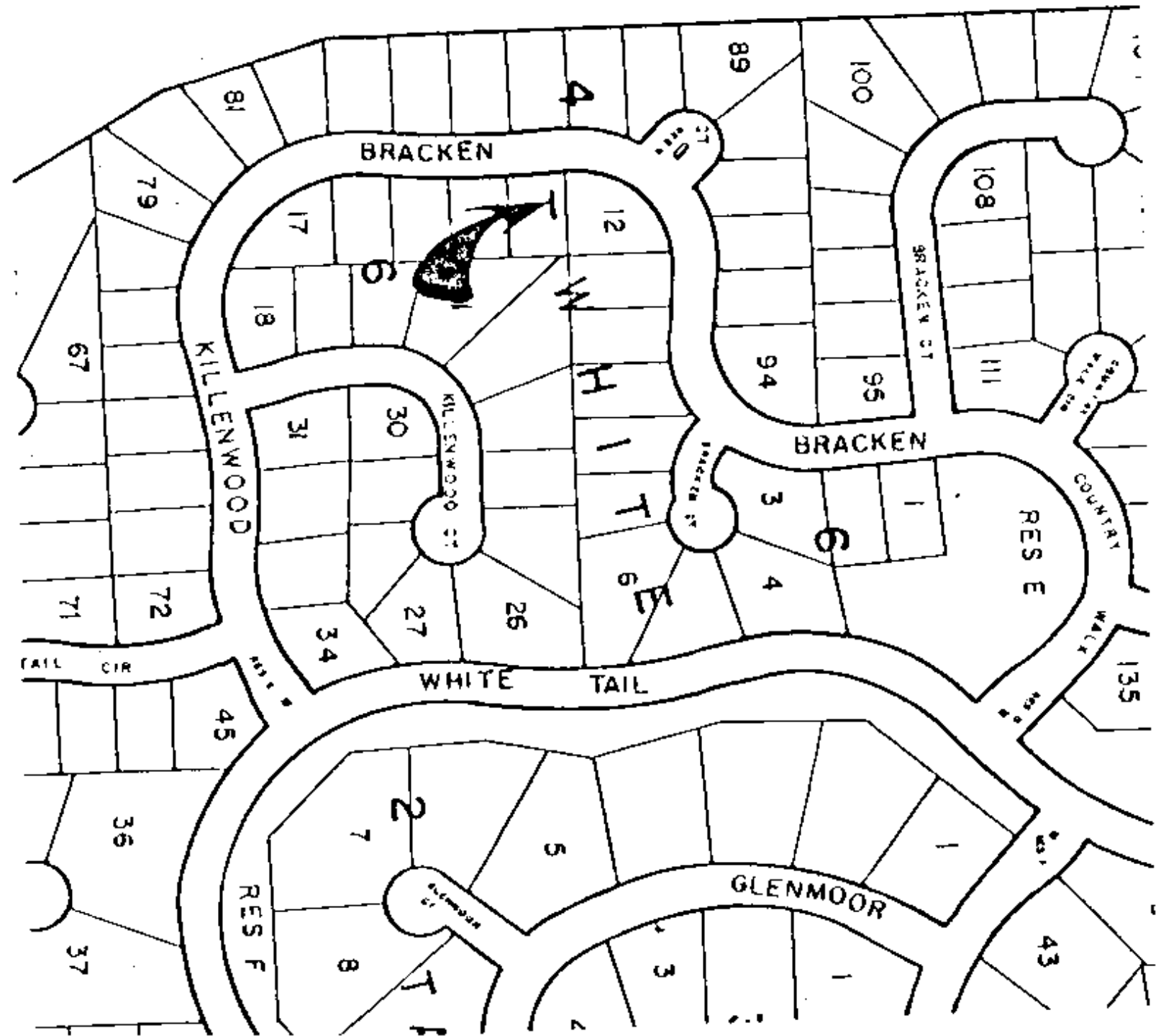
THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

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 my office.

Given under my hand and seal of the City of Wichita, this APR 14 1998

Pat Burnett City Clerk


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BRACKEN CT
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KILLENWOOD CT
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