

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 9, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2036 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF 29TH STREET NORTH, WEST OF
WOODLAWN.
(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 applicants are constructing an in-ground swimming pool in their backyard. The apron surrounding to pool would encroach 3 feet into the 30 foot utility easement along the rear property line. This is in an established residential area with all utilities in place. The swimming pool apron would not harm any existing utilities or projected expansions thereof.

The Subdivision Committee and MAPC both approved the vacation. 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: 150029-2909

Approved / Accepted By City Council

This **DEC 9 1997**STATE OF KANSAS } SS
SEDGWICK COUNTY }

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BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASREGISTER OF DEEDS
LARRY CONSOLVER*S. Christian*
DeputyIN THE MATTER OF THE VACATION OF
UTILITY EASEMENTGENERALLY LOCATED
SOUTH OF 29TH STREET NORTH
WEST OF WOODLAWNMORE FULLY DESCRIBED BELOW

Case No. V-2036

~~STATE OF KANSAS } SS
SEDGWICK COUNTY }
JAN 29 10 43 AM '98
REGISTER OF DEEDS
LARRY CONSOLVER~~

VACATION ORDER

NOW on this 9th day of December, 1997, comes on for hearing the petition for vacation filed by Gordon R. Ewing, Jr., praying for the vacation of the following described utility easement, to-wit:

Utility easement described as: The north 3 feet of the south 30 feet of Lot 5, Block 2, Beacon Hill Addition, an Addition to 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:

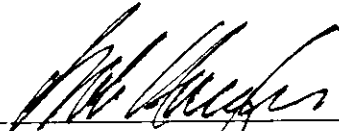
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding one time on 11-18-97, which was at least 20 days prior to the date set for public hearing thereon.
2. No private rights will be injured or endangered 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.

*P. O. Clark**City Clerk*8-00
150029MICROFILMED
OF RECORD

Vacation Order
V - 2036

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of December, 1997, 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.

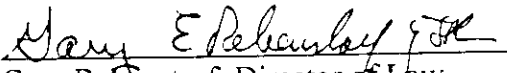

Bob Knight, Mayor

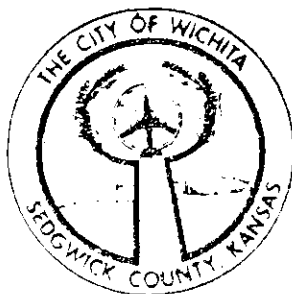
ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Robenstorf, 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 my office.

Given under my hand and seal of the City of Wichita, this DEC 9 1997
Pat Burnett City Clerk

