

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 1, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2022 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF 21ST STREET AND WEST OF TYLER
ROAD.
(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 is requesting the vacation of a utility easement in order to fully develop this area. The easement was originally dedicated for a water service facility. This was never used for this purpose and is now in conflict with the proposed development for this area. City Engineering has indicated that this vacation is acceptable.

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; 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
 APR 1 1997
 This _____

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Page 1 of 2

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

MICROFILMED
 OF RECORD

IN THE MATTER OF THE VACATION OF
 UTILITY EASEMENT

GENERALLY LOCATED
 SOUTH OF 21ST STREET AND WEST
 OF TYLER ROAD

MORE FULLY DESCRIBED BELOW

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Case No. V-2022



STATE OF KANSAS
 SEDGWICK COUNTY
 FILED FOR RECORD AT
 8:30 A M

1602071 E-7E
 LARRY CONSOLV
 REGISTER OF DEEDS

VACATION ORDER

Deanna M. Schinner
 Deputy

NOW on this 1st day of April, 1997, comes on for hearing the petition for vacation filed by Ted Neises, praying for the vacation of the following described utility easement, to-wit:

A utility easement recorded on Film 783, Page 878 described as a strip of land 40 feet in width, lying 20 feet on each side of the following described center line; commencing at the S.W. corner of Lot 11; Block A, Jamesburg Park, an Addition to Wichita, Sedgwick County, Kansas; these easterly, along the south line of said lot 11, 479.55 feet; thence northerly, parallel with the east line of said Lot 11, 345 feet to the point of beginning; thence easterly, parallel with the south line of said Lot 11, 50 feet; thence southerly, parallel with the east line of said Lot 11, with a strip of land 20 feet in width, lying 10 feet on each side, 55 feet to the end.

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 3/17/97 & 3/24/97.

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.

City Clerk

\$ 8.00
 150029
 2909

B. J.

~~COPY~~

Vacation Order
V - 2022

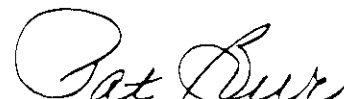
Page 2 of 2

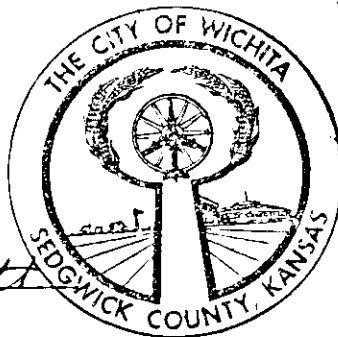
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

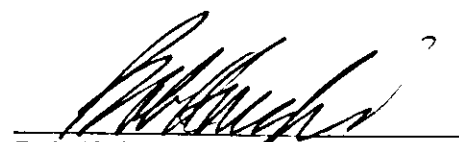
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of April, 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.

ATTEST:

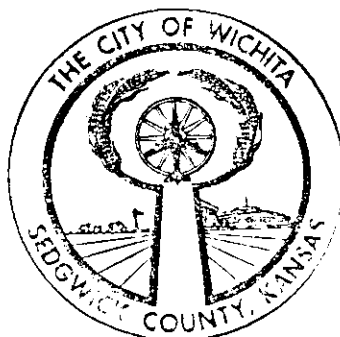

Pat Burnett, City Clerk




Bob Knight, Mayor

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 the the City Clerk.
Given under my hand and seal of the City of
Wichita, this APR 3 1997
 City Clerk

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