

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2113 REQUEST TO VACATE A PORTION OF A
UTILITY EASEMENT LOCATED IN AN AREA WEST OF 21ST STREET
NORTH AND RIDGE ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*NIKOLA
B-100*

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant is requesting the vacation of a 40 foot by 5 foot platted utility easement to allow for the construction of a larger building on-site.

Public Works and Storm Water Management has approved the vacation of this utility easement, subject to the owner dedicating a substitute easement. The MAPC approved this request on August 27th.

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; accept the dedication; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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J. S. [Signature]
DeputyBEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSASIN THE MATTER OF THE VACATION OF
UTILITY EASEMENTGENERALLY LOCATED
WEST OF 21ST STREET NORTH AND
RIDGE ROAD

Case No. V-2113

STATE OF KANSAS } ss
SEDCWICK COUNTY }

DEC 3 11 46 AM '98

MORE FULLY DESCRIBED BELOW

VACATION ORDER

BILL MEER
REGISTER OF DEEDS

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Reginald V. Boothe, praying for the vacation of the following described utility easement, to-wit:

The part of Lot 1, Block 1, "REFLECTION RIDGE COMMERCIAL 2ND ADDITION" to Wichita, Sedgwick County, Kansas, described as:

Commencing at the Northernmost corner of Lot 1, Block 1, "REFLECTION RIDGE COMMERCIAL 2ND ADDITION": thence on the West line of said Lot 1 with a platted bearing of South 31°01'50" West, a distance of 30.01 feet; thence South 57°15'49" East, a distance of 83.00 feet to the Point of Beginning; thence South 57°15'49" East, a distance of 40.00 feet; thence North 32°44'11" East, a distance of 5.00 feet; thence North 57°15'49" West, a distance of 40.00 feet; thence South 32°44'11" West, a distance of 5.00 feet to the Point of Beginning.

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 9-22-98, 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.

*g. [Signature]**City Clerk*150003
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OF RECORD

Vacation Order
V - 2113

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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.

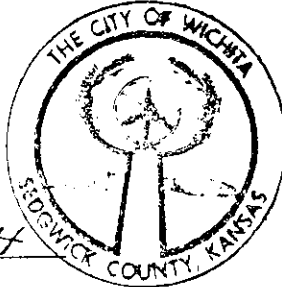
5. The vacation of the utility easement described herein should be approved, subject to the following condition:

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 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.

ATTEST:

Pat Burnett
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

State of Kansas)
Sedgwick County as
City Clerk
I, Pat Burnett, City Clerk of the City of Wichita,
do hereby certify that the foregoing is a true and
correct copy of the original as the same appears
in the files of the City Clerk.

Approved as to Form:

Pat Burnett
Pat Burnett, City Clerk

Gary E. Rebenstorf, J.D.
Gary Rebenstorf, Director of Law



