

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1304 VACATION OF A UTILITY EASEMENT GENERALLY LOCATED ON THE EAST SIDE OF TURNBERRY CIRCLE IN AN AREA NORTH OF CENTRAL AVENUE.

The Planning Commission recommends approval subject to:

- A. All proceedings being without cost to the City, County, or any utility company.
- B. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Peters moved, Bayouth seconded and it carried unanimously. Banzer and Chisholm were not yet present. Crockett and Hansen were absent.  
(12/13/84)

ACTION: Approve the request as recommended by the Metropolitan Area Planning Commission and adopt the resolution.

VACATION CASE DATA

Legal Description: The south 5 feet of a 20-foot wide utility easement being 10 feet each side of the common lot line between Lot 7, Block 3 and Reserve 1, Block 3, Crestview Country Club Estates Southcrest Addition to Sedgwick County, Kansas, except the east 20 feet and the west 20 feet thereof. (MAPC No. V-1304)

Applicant: Crestview Development Company  
c/o John Sheaks  
1355 St. Andrews  
Wichita, Kansas 67230

Protestors: None before the Subdivision Committee or MAPC.

Comments: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification, or public hearing is required before the Board of City Commissioners. The procedure for handling such requests is the same as it was prior to the July 1, 1984 change in State Law concerning City vacation requests. Requests located in the three-mile ring of the City are considered by the Board of City Commissioners and, if acceptable, approved by resolution. Title to the property is subsequently cleared by petition, publication and hearing before the Board of Sedgwick County Commissioners.

RESOLUTION

A RESOLUTION APPROVING THE VACATION OF A UTILITY EASEMENT DESCRIBED AS PART OF THE PLATTED UTILITY EASEMENT ON LOT 7, BLOCK 3, CRESTVIEW COUNTRY CLUB ESTATES SOUTHCREST ADDITION, ALL IN SEDGWICK COUNTY, KANSAS.

WHEREAS, there has been filed in the office of the Wichita-Sedgwick County Metropolitan Area Planning Department, proceedings for the vacation of an easement described as the south 5 feet of a 20-foot wide wide utility easement being 10 feet each side of the common lot line between Lot 7, Block 3 and Reserve 1, Block 3, Crestview Country Club Estates Southcrest Addition to Sedgwick County, Kansas, except the east 20 feet and the west 20 feet thereof; and

WHEREAS, said Department has given notice of such proceedings to all adjoining property owners of a public hearing to be held before the Wichita-Sedgwick County Metropolitan Area Planning Commission; and

WHEREAS, such a public hearing was held by the Wichita-Sedgwick County Metropolitan Area Planning Commission on December 13, 1984;

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the utility easement described as follows, to-wit:

CASE NO. V-1304

The south 5 feet of a 20-foot wide utility easement being 10 feet each side of the common lot line between Lot 7, Block 3 and Reserve 1, Block 3, Crestview Country Club Estates Southcrest Addition to Sedgwick County, Kansas, except the east 20 feet and the west 20 feet thereof.

Be and the same is approved for vacation

SECTION 2. That it is hereby recommended to the Board of County Commissioners of Sedgwick County, Kansas, that the said above-described utility easement be vacated in the event that a proper petition is filed under the provisions of Kansas Statutes Annotated, 58-2613, 58-2614 and 58-2615.

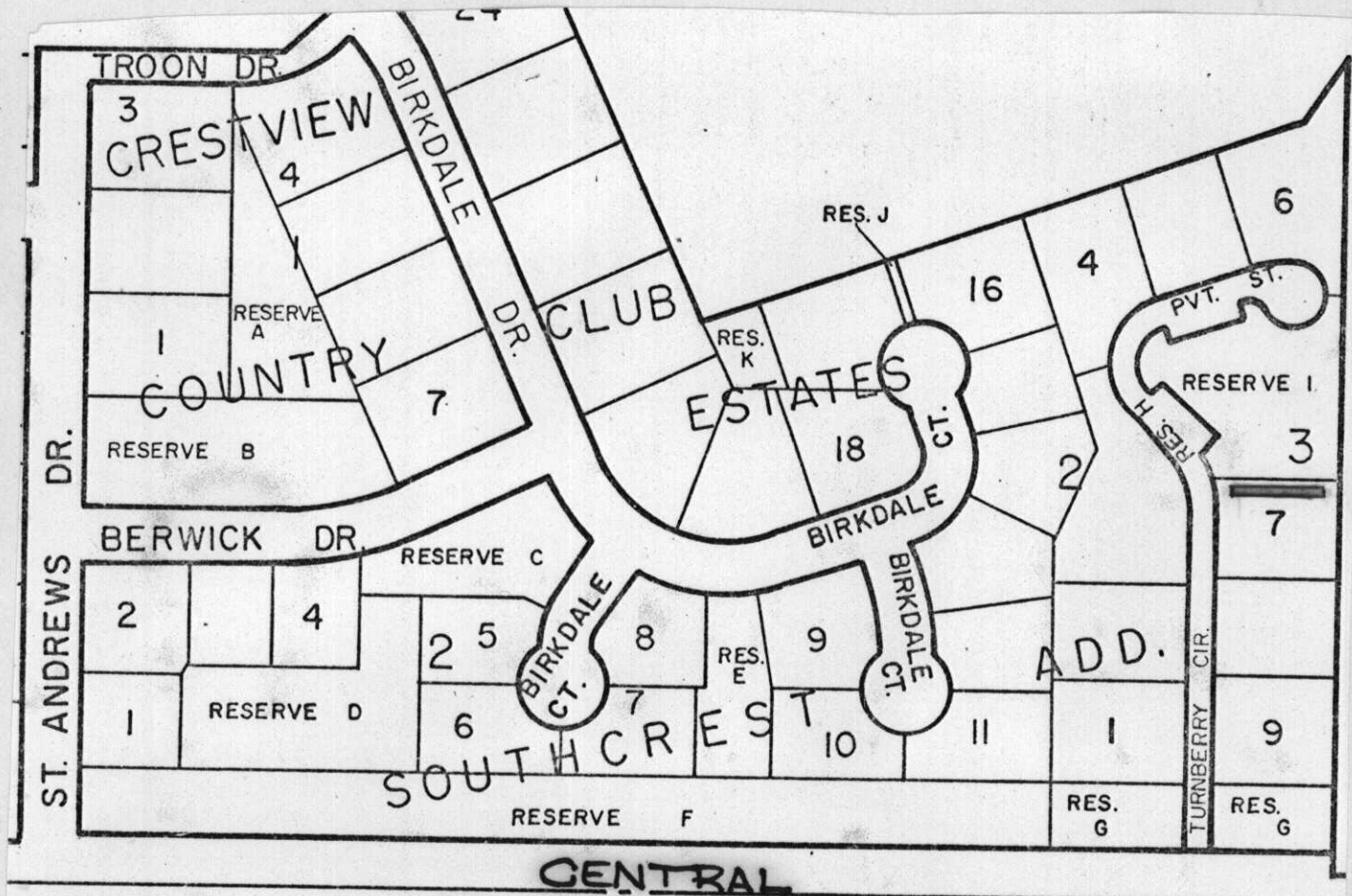
SECTION 3. That this resolution shall be in force and take effect from and after its passage and publication once in the official city paper.

Passed and approved at Wichita, Kansas, this 8<sup>th</sup> day of January, 1985.

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Robert G. Knight, Mayor

ATTEST:

\_\_\_\_\_  
Donald C. Gisick, City Clerk (Seal)



3. APPLICATION FILED 11-21-84  
 POSTED TO ATLAS \_\_\_\_\_  
 NOTICES SENT \_\_\_\_\_  
 S/D COMM. ACTION 12-6-84 *approved*  
 DEPT. REPORT \_\_\_\_\_  
 M.A.P.C. ACTION 12-13-84  
*approved*  
 DEPT. REPORT \_\_\_\_\_

ORD/RES. SUBMITTED \_\_\_\_\_  
 APPROVED BY DEPT OF LAW \_\_\_\_\_  
 B.C.C. ACTION 1-8-85 *Approved*  
 ORD/RES \_\_\_\_\_ PUBLISHED \_\_\_\_\_  
 BD. CO. CO. ACTION 2-27-85  
*City of...*  
 ORDER TO VACATE *Recorded* \_\_\_\_\_