

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1303 VACATION OF A PORTION OF A UTILITY AND DRAINAGE EASEMENT GENERALLY LOCATED NORTH OF 13TH STREET AND EAST OF TYLER ROAD.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. 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. Chisholm and Banzer were not yet present. Crockett and Hansen were absent. (12/13/84)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The north 2 feet of the 30-foot utility and drainage easement established on Film 679, Pages 768 and 769 adjacent to the north line of Lot 4, Block 1, Northwest Village; except the east 10 feet and west 10 feet thereof. (MAPC No. V-1303)

Applicant: American Properties, Inc.
P. O. Box 21127
Salt Lake City, Utah 84127

Protestors: None before the Subdivision Committee or MAPC.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
A PORTION OF A UTILITY AND DRAINAGE
EASEMENT (MAPC NO. V-1303)

GENERALLY LOCATED NORTH OF 13TH
STREET AND EAST OF TYLER ROAD

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } SS

FILED FOR RECORD AT
8:00 AM

JAN 21 1985

7 28975

NO.
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 8th day of January, 1985, comes on for hearing the petition for vacation filed by American Properties, Inc., praying for the vacation of the following described portion of a utility and drainage easement, to-wit:

The north 2 feet of the 30-foot utility and drainage easement established on Film 679, Pages 768 and 769 adjacent to the north line of Lot 4, Block 1, Northwest Village; except the east 10 feet and west 10 feet thereof. (MAPC No. V-1303)

The City Commission, 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 Record of notice of this vacation proceedings for consecutive weeks on 12/24/84- 1/2/85.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the utility and drainage easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner 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 portion of the utility and drainage easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 8th day of January, 1985, ordered that the above-described portion of the utility and drainage 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.

Robert G. Knight
Robert G. Knight, Mayor

ATTEST:

Donald C. Gisick
Donald C. Gisick, City Clerk

Approved as to Form

John Dekker
John Dekker, Director of Law

City Clerk

5.00

NANTUCKET

NO. 143

14 3

PART OF
NORTHWEST
VILLAGE

TYLER

1

ADD

2

3

13th ST. NO.