

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1293 VACATION OF UTILITY EASEMENTS GENERALLY LOCATED ON THE  
NORTHEAST CORNER OF MAPLE AND WEST STREET.

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.
- E. In order to prevent any of subject lots from being sold separately, and therefore, creating an ownership without access to a public utility easement, the applicant shall submit a covenant tying the ownership of the subject lots together. Said covenant shall prevent the selling of the lots independent of each other.
- F. The applicant shall make satisfactory arrangements with the Gas Service Company for relocation and abandonment of this company's gas line from the vacated utility easement.

Chisholm moved, Banzer seconded and it carried unanimously. Crockett and Moore were not yet present. Peters was absent. (9/20/84)

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 and the restrictive covenant with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The west 5 feet of the south 30 feet of Lot 3, and the east 8 feet of the south 30 feet of Lot 28, Block 2; and the west 5 feet of Lot 2, and the east 5 feet of Lot 29, Block 2; Westborough Addition, Wichita, Sedgwick County, Kansas. (MAPC No. V-1293)

Applicant: Roy Schoeb and Company, Inc.  
Box 9  
Cherokee, Oklahoma 73728

Protestors: None before the Subdivision Committee or MAPC.

Comments: In order to prevent lots effected by this vacation request from being sold separately, thereby creating ownerships with-out access to a public utility, the applicant was required to submit a covenant tying the ownership of subject lots together as indicated in item E above. An acceptable covenant has been submitted for recording with the vacation order which prevents the selling of the lots independent of each other. This vacation case was heard and approved by the Board of Wichita City Commissioners on November 13, 1984. It has been readvertised and returned for rehearing for the purpose of correcting an inadvertant error in the legal description previously used for publication and order preparation. There was no opposition to the request during the previous hearing.



CORRECTIVE VACATION ORDER

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 19th day of February, 1985, ordered that the above-described utility easements is hereby vacated. IT IS FURTHER ORDERED that the vacation order filed December 13, 1984 and recorded on Film 699, Page No. 239 by the Sedgwick County Register of Deeds is hereby rescinded and superceded. 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. Cistek*  
Donald C. Cistek, City Clerk

Approved as to Form  
*John Dekker*  
John Dekker, Director of Law

\*NOTE: This vacation order supercedes a vacation order filed December 13, 1984 and recorded on Film 699, Page No. 239 by the Sedgwick County Register of Deeds.

STATE OF KANSAS } SS  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
8:00 AM

MICROFILMED  
OF RECORD

FEB 25 1985  
NO. 7 33523  
PAT KETTLER  
REGISTER OF DEEDS

*Ed Rana*  
Deputy

ADD.

AL

ADD

17

GO

DOUGLAS

TROY  
GRIFFIN  
ADD

AVE.

CHARLES 2  
MORSON  
JOHN DAVIS  
PLACE  
18 15  
16 15

18 13  
19 12  
22 9  
KESSELER'S

ST.

4 2  
5  
8  
T. MOORE  
ADD.  
PARY

WEST

WESTBOROUGH

16 15  
28 3  
29 2

ILLINOIS

28 3  
30 29 2 1

← DON DINNING 3RD. ADD.  
McCOMAS

KESSELER

MAYBERRY-LAWRENCE  
SCHOOL ADD

MAPLE

CHURCH

AVE.

14 13  
16 15

AVE.

12 11  
14 13  
16 15

ST.

14 13  
16

DUGANS

RD.

12 11  
14 13  
16 15

AVE.

17 16

UNIVERSITY

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