

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1279 - VACATION OF AN 8-FOOT UTILITY EASEMENT GENERALLY LOCATED ON THE EAST SIDE OF MCCOMAS SOUTH OF HARRY 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.

Bayouth moved, Goebel seconded and it carried unanimously. Banzer was absent. Gardner was not yet present (8-9-84).

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 8-foot utility easement adjacent to the south line of Lot 1, except the east 8 feet thereof, Eaton Addition to Wichita, Kansas (MAPC No. V-1279).

Applicant: P.B. Hoidale Co., Inc.
Attention: R.D. Dixon, President
P.O. Box 12104, Wichita, Ks. 67277

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
UTILITY EASEMENT (MAPC NO V-1279)

GENERALLY LOCATED ON THE EAST SIDE
OF McCOMAS SOUTH OF HARRY STREET

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
2:30 P.M.

SEP 12 1984

NO. 7 11034
BETTE F. McCART
REGISTER OF DEEDS

MICROFILMED
OF RECORD
D

Ed Peral
Deputy

VACATION ORDER

NOW on this 4th day of September, 1984, comes on for hearing the petition for vacation filed by P. B. Holdale Company, Inc., praying for the vacation of the following described utility easement, to-wit:

The 8-foot utility easement adjacent to the south line of Lot 1, except the east 8 feet thereof, Eaton Addition to Wichita, Kansas (MAPC No. V-1279).

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 8/22 + 29, 1984.
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.
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 BOARD OF CITY COMMISSIONERS, on this 4th day of September, 1984, 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.

Robert C. Knight
Robert C. Knight, Mayor

ATTEST:

Donald C. Cisick
Donald C. Cisick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

HARRY

BRANAM
/
ADD.

AVE.

EATON
ADD.

2

DAN
HALEY
ADD. 1

BUBLITZ

2

McCOMAS

9

10

2

BOUNOUS

ST.

MERTON

7

ORD. 30-324 AVE.

MERTON

VACATED ORD. 30-323

AVE.

DM