

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1335 - VACATION OF A UTILITY EASEMENT GENERALLY LOCATED BETWEEN GEORGETOWN AND TERRACE IN AN AREA SOUTH OF HARRY.

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. The applicant shall obtain, for K.G.& E., Southwestern Bell and Cablevision, the utility easement needed by each of these companies in order to cover utility lines which were located on adjacent Lot 3, Block 1, Georgetown II. A letter from each company shall be obtained, which states that the subject company's easement requirement has been satisfied. Copies of the required letters shall be submitted to the Planning Department.

ACTION: Close the public hearing, accept the utility easement, 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 utility easement with the Sedgwick County Register of Deeds.

VACATION CASE DATA

LEGAL DESCRIPTION:

The 20-foot utility easement, except the east 20 feet and the west 20 feet thereof, platted as part of Lot 4, Block 1 Georgetown II, Wichita Sedgwick, County, Kansas lying north of and adjacent to the following described line:

Commencing at the northwest corner of Lot 4, Block 1, Georgetown II, Wichita, Sedgwick County, Kansas, thence south along the west line of said lot, 20 feet to the point of beginning; thence S89°49'44"E to the east line of said lot.

APPLICANT: John M. West, c/o Thomas P. Montgomery, 420 S. Emporia, Wichita, KS 67202

PROTESTORS: None before the Subdivision Committee or Metropolitan Area Planning Commission.

COMMENTS: Regarding Item "E" of the M.A.P.C. conditions, letters from each affected utility company have been obtained. The utility easement being accepted by the Commission provides for the covering of the utility companies' lines on the applicant's property.

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Approved by Board of Commissioners
OCT 29 1985

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

IN THE MATTER OF THE VACATION OF A UTILITY
EASEMENT.

GENERALLY LOCATED BETWEEN GEORGETOWN AND
TERRACE IN AN AREA SOUTH OF HARRY. (V-1335)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY } 53
FILED FOR RECORD AT
WICHITA
NOV 19 1985
7 77518
NO.
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Reed
Deputy

NOW on this 29th day of October, 1985, comes on for hearing the petition for vacation filed by John M. West, praying for the vacation of the following-described utility easement, to-wit:

The 20-foot utility easement, except the east 20 feet and the west 20 feet thereof, platted as part of Lot 4, Block 1 Georgetown II, Wichita, Sedgwick, County, Kansas lying north of and adjacent to the following described line:

MICROFILMED
OF RECORD

Commencing at the northwest corner of Lot 4, Block 1, Georgetown II, Wichita, Sedgwick County, Kansas, thence south along the west line of said lot, 20 feet to the point of beginning; thence S89°49'44"E to the east line of said lot.

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 proceeding for consecutive weeks on OCT 16 & 23, 1985.
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 29th day of October, 1985, 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.

K. C. Brown
K. C. Brown, Mayor

ATTEST:

Donald C. Giesick
Donald C. Giesick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

Handwritten initials

HARRY

1

2

1

TERRACE PVT. ST. RES. C

RES. C

1

2
II

3

3

4

GEORGETOWN

4

2

SILVER

COUNTRYSIDE COURT

8

7

A

ADD. II

II

RES. A

GEORGETOWN PVT. ST.

16

II