

City of Wichita
City Commission Meeting
October 28, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1423 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT, LOCATED ON THE EAST SIDE OF EDMOOR AT 1ST STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Fern Peterson Involuntary Conservatorship, Attention: Gary Donovan, Trust Real Estate Officer, P.O. Box One, Trust Department, Wichita, KS 67201 is requesting this vacation to clear a building encroachment.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company; and
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

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 PLATTED UTILITY EASEMENT.

GENERALLY LOCATED ON THE EAST SIDE OF EDGEMOOR AT FIRST STREET. (V-1423)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners

DATE OCT 28 1986

STATE OF KANSAS

SEDGWICK COUNTY

FILED FOR RECORD AT

8:00 A.M.

NOV 4 1986

NO. 8 43236

PAT KETTLER REGISTER OF DEEDS

MICROFILMED OF RECORD

VACATION ORDER

Ed Resal Deputy

NOW on this 28th day of October, 1986, comes on for hearing the petition for vacation filed by Fern Peterson Involuntary Trust, praying for the vacation of the following described portion of a platted utility easement, to-wit:

A 10 feet wide easement being the south 5 feet of the east 46.3 feet of the west 126.3 feet of Lot 8 and the north 5 feet of the east 46.3 feet of the west 126.3 feet of Lot 9, all in Block 1, Park Hollow Addition to Wichita, Sedgwick County, Kansas. (V-1423)

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 15+22, 1986.
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 28th day of October, 1986, 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.

ATTEST:

Donald C. Girick
Donald C. Girick, City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

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WILLIAM L. KOEHLER L.B.

JOHN E. LUNDBLAD L.B.

M. BRENT WOOTEK, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316-262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

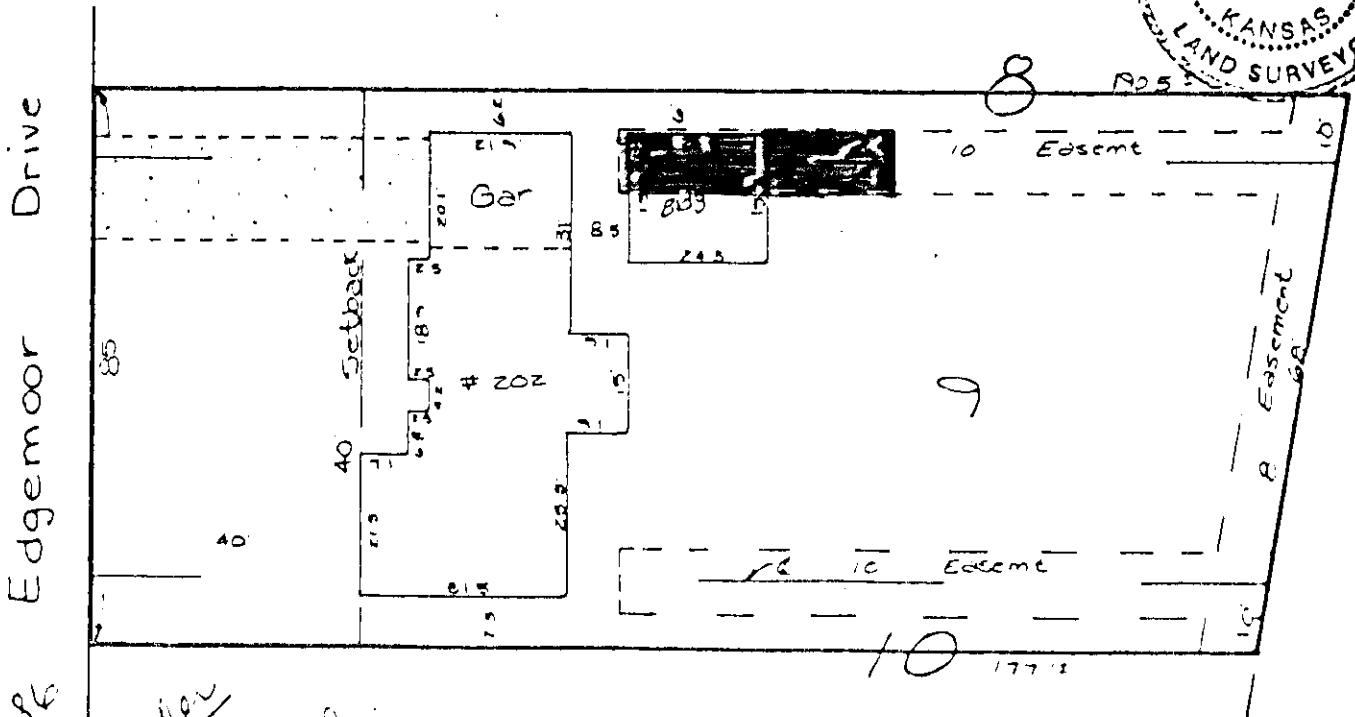
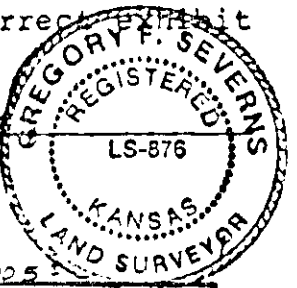
September 9, 1986

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 9th day of September, 1986, survey Lot 10, except the south 50 feet thereof, and all of Lot 9, and the south 10 feet of Lot 8, Block 1, Park Hollow Addition to Wichita, Kansas.

On said lot is house No. 202 with an attached garage which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgage title insurance.

William F. Coyle
Surveyor



*9-10-86
insure
against
loss
10' easmt.
Qr*

687-2470

Douglas Ave.