

City of Wichita  
City Commission Meeting  
October 14, 1986

Agenda Report # \_\_\_\_\_

TO: Mayor and City Commissioners

SUBJECT: V-1418 - REQUEST TO VACATE PORTIONS OF A PLATTED UTILITY  
EASEMENT AND BUILDING SETBACK, LOCATED ON THE SOUTH SIDE  
OF CLASSEN AVENUE, IN AN AREA EAST OF MASON TERRACE.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

-----  
MAPC Recommendation: Approve vacation of utility easement and building setback.

Background: Lloyd D. Williams, 2625 Classen, Wichita, KS 67216, is requesting this vacation to increase the amount of buildable lot area. After vacation, a 30-foot wide building setback will remain.

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 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 PORTIONS OF A )  
PLATTED UTILITY EASEMENT AND BUILDING SETBACK. )

GENERALLY LOCATED ON THE SOUTH SIDE OF CLASSEN )  
AVENUE, IN AN AREA EAST OF MASON TERRACE. )  
(V-1418) )

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } 33  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
NOV 4 1986  
8 43233  
NO  
PAT KETTLER  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

*Ed Peraz*  
*Secretary*

VACATION ORDER

NOW on this 14th day of October, 1986, comes on for hearing the petition for vacation filed by Lloyd D. Williams, praying for the vacation of the following described portions of a platted utility easement and building setback, to-wit:

UTILITY EASEMENT

The southerly 10 feet of Lot 2, Block 4, Classen Park Addition to Sedgwick County, Kansas, except the westerly 10 feet thereof.

BUILDING SETBACK

The southerly 5 feet of the northerly 35 feet of Lot 2, Block 4, Classen Park Addition to Sedgwick County, Kansas.  
(V-1418)

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. 128, 1986.

2. No private rights will be injured or endangered by the vacation of the above-described utility easement and building setback, 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 and building setback described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 14th day of October, 1986, ordered that the above-described utility easement and building setback are 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. Gislack*  
Donald C. Gislack, City Clerk

Approved as to Form:

*John Dekker*  
John Dekker, Director of Law

*Tony Casado*  
Tony Casado, Mayor

City Clerk

MARION

AVE.

3

21

ADDITION

1

1

5

Vacated

1

6

CLASSEN

AVE.

1

4

CLASSEN

19

3

TERRACE

1

13

2

4

AVE.

7

ST.

8

CT.

1

DENKER

12

11

18

1

23

PARKED

7

HYDRAULIC