

City of Wichita
City Commission Meeting
April 29, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1384 - VACATION OF A 10-FOOT WIDE UTILITY EASEMENT,
GENERALLY LOCATED IN AN AREA WEST OF GOLD AND NORTH
OF 55TH STREET SOUTH.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: I.T.J. Investments, Inc., 342 South Volutsia, Wichita, Kansas, 67211, has requested this vacation in order to clear an existing 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;
4. The Vacation Order shall exclude from vacation the northerly 10 feet of the application area; and
5. 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 PLATTED
10-FOOT WIDE UTILITY EASEMENT.

GENERALLY LOCATED IN AN AREA WEST OF GOLD
AND NORTH OF 55TH STREET SOUTH. (V-1384)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD
2:00 P.M.

MAY 15 1986
8 05979
NO.
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

*Ed Reed
Deputy*

VACATION ORDER

NOW on this 29th day of April, 1986, comes on for hearing the petition for vacation filed by I.T.J. Investments, Inc., praying for the vacation of the following described utility easement, to-wit:

The 10-foot wide utility easement, centered on the lot line between Lots 23 and 24, Block 9, South Seneca Gardens Fourth Addition, Wichita, Sedgwick County, Kansas, except the northerly 10-feet thereof.

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 4/16 & 23/86.
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 April, 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. Gisick
Donald C. Gisick, City Clerk

Tony Casado
TONY CASADO, Mayor

Approved by Board of Commissioners
this APR 29 1986

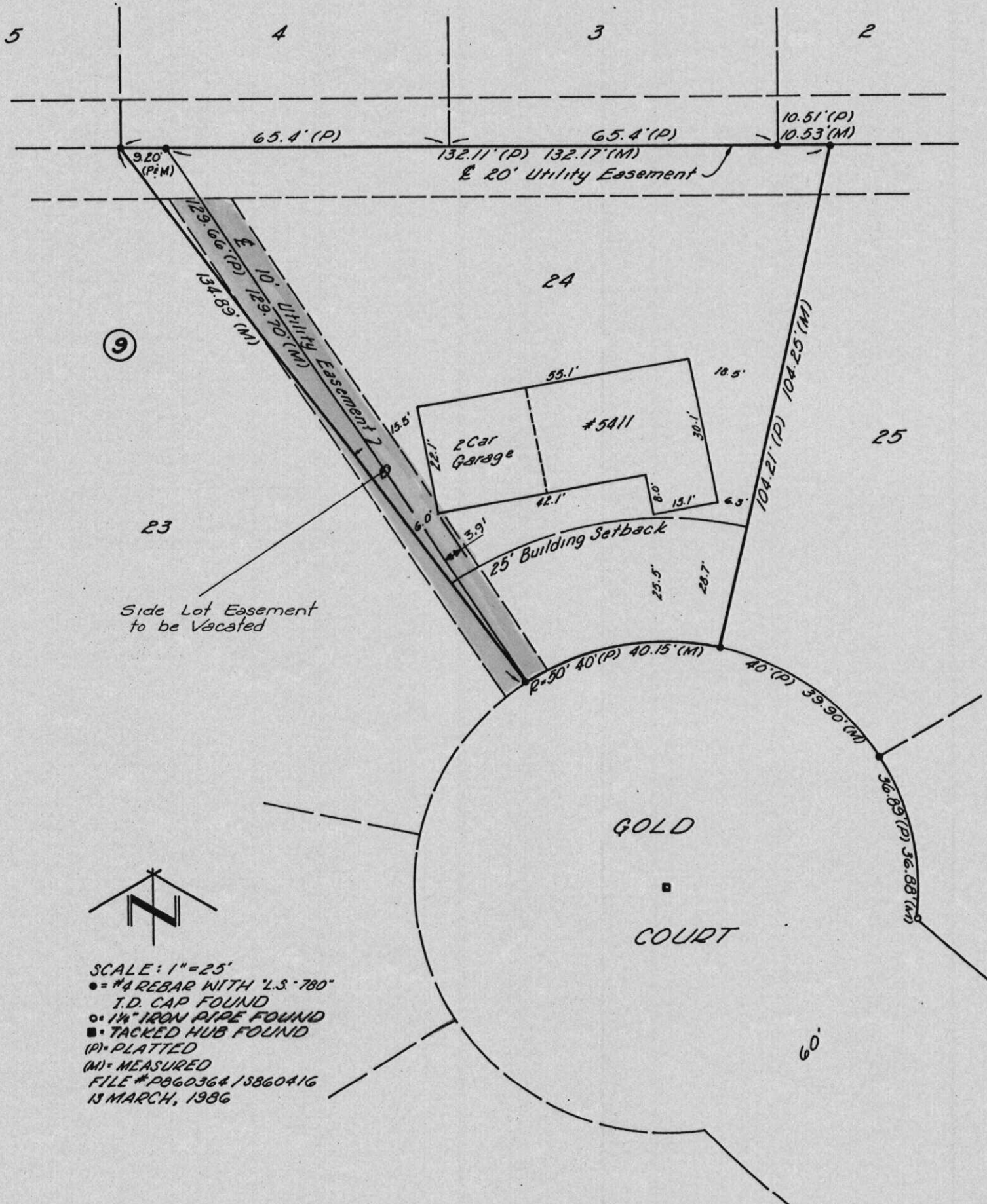
Approved as to Form:

John Decker
John Decker, Director of Law

5.00 city clerk

V-1384

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Side Lot Easement to be Vacated

SCALE: 1" = 25'

- = #4 REBAR WITH 'L.S.' 780" I.D. CAP FOUND
- = 1 1/4" IRON PIPE FOUND
- = TACKED HUB FOUND
- (P) = PLATTED
- (M) = MEASURED

FILE # P860364 / 13860416
13 MARCH, 1986