

City of Wichita
City Council Meeting
January 5, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1490 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT, LOCATED IN AN AREA SOUTH OF DOUGLAS AND WEST OF
ARCADIA. (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The purpose of this case is to clear an existing building encroachment in the easement and thereby remove a "cloud" from the title to the property. The Utility Advisory Committee has verified that the portion of easement being vacated is not needed for existing or future utilities. The applicant has relocated an existing sanitary sewer lateral to provide for this vacation. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

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

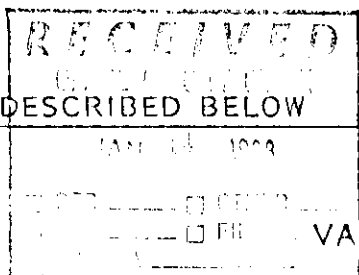
Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to:

755-68-360-50000-295-000-000

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
12:30 P MBEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

JAN 12 1988

9 26726

IN THE MATTER OF THE VACATION OF A PORTION OF
A UTILITY EASEMENT.GENERALLY LOCATED IN AN AREA SOUTH OF DOUGLAS
AND EAST OF WESTFIELD. (V-1490)

MORE FULLY DESCRIBED BELOW

NO. PAT KETTLER
REGISTER OF DEEDS

Approved: Accepted by City Council

This JAN 5 1988

MICROFILMED
OF RECORD

NOW on this 5th day of January, 1988, comes on for hearing the petition for vacation filed by David W. Entriken, praying for the vacation of the following described portion of a utility easement, to-wit:

The east 4 feet of the west 8 feet of the south 61 feet of the north 84 feet of Lot 2, Little-Matherly Addition, Wichita, Kansas. (V-1490)

The City Council, 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 DEC 23 & 30, 1987.

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 CITY COUNCIL, on this 5th day of January, 1988, 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:

Dale E. Rea, Deputy City Clerk
Robert G. Knight, Mayor

Approved as to Form:

Thomas Powell, ~~1st~~ Director of Law

State of Kansas
Sedgwick County
City of Wichita
Dale E. Rea, Deputy City Clerk of the City of Wichita, hereby certify that the document to which this is attached is a true and correct copy of the original as filed in the office of the City Clerk.
Witness my hand and seal this 11th day of January, 1988.
Dale E. Rea, Deputy City Clerk

9.00

PL/7920/5

city clerk

