

City of Wichita
City Council Meeting
July 21, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1472 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Location: On the west side of Woodchuck, in an area north of Second Street.
(District #5).

Applicant: Fidelity Savings, c/o Bill Suter, 100 E. English, Wichita, Ks. 67202

Site Size: A 10-foot wide easement measuring 110 feet in length.

Current Zoning: "AA" (Single-Family)

Background:

The applicant has requested this vacation case in order to allow building construction across a lot line. The Utility Advisory Committee has verified that the subject property is not needed for existing or future utilities. That portion of the easement which is not being vacated is needed for a perpendicular, north/south utility easement. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Staff Recommendation: Approve vacation of utility easement

MAPC Recommendation: Approve vacation of utility easement (unanimous)

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

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

Approved _____ City Council

This JUL 21 1987

IN THE MATTER OF THE VACATION OF A PORTION OF
A PLATTED UTILITY EASEMENT.

GENERALLY LOCATED OF THE WEST SIDE OF
WOODCHUCK, IN AN AREA NORTH OF NINTH
STREET. (V-1472)

MICROFILMED
OF RECORD

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
1:00 P.M.

JUL 29 1987

NO. 8 97712

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy City Clerk

NOW on this 21st day of July, 1987, comes on for hearing the petition for vacation filed by Fidelity Savings Association, praying for the vacation of the following described utility easement, to-wit:

The south 5 feet of the east 110 feet of Lot 5 and the north 5 feet of the east 110 feet of Lot 6, all in Block 3, Whispering Pines Estates, Wichita, Kansas. (V-1472)

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 JULY 8 & 15, 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 21st day of July, 1987, 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
Dale E. Rea, Deputy City Clerk

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director of Law

Robert C. Knight
Robert C. Knight, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, Kansas, this 29th day of July, 1987.

Dale E. Rea
Dale E. Rea, Deputy City Clerk

9.00

city clerk

