

City of Wichita
City Council Meeting
May 12, 1987

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1452 - REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT,
GENERALLY LOCATED NORTH OF BUTLER DRIVE, IN AN AREA EAST OF
HILLSIDE.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of easement.

Background: Freddie and Betty Schaar, 3334 Butler Drive, Wichita, KS 67216, are requesting this vacation in order to build across a common lot line. That portion of the easement which is not being vacated is needed for a perpendicular easement.

Analysis: The Planning Commission recommends the City Council 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.

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

GENERALLY LOCATED NORTH OF BUTLER DRIVE,
IN AN AREA EAST OF HILLSIDE. (V-1452)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT
MAY 19 1987
NO. 8 82501
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

MICROFILMED
OF RECORD

Ed Rea
Deputy

NOW on this 12th day of May, 1987, comes on for hearing the petition for vacation filed by Freddie and Betty Schaar, praying for the vacation of the following described portion of a platted easement, to-wit:

The platted 16-foot, north/south easement centered on the lot line common to Lots 8 and 9, Block 2, Butlers Addition, Sedgwick County, Kansas, except the north 8 feet thereof. (V-1452)

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 APR 29 & MAY 26, 1987.
2. No private rights will be injured or endangered by the vacation of the above-described 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 easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of May, 1987, ordered that the above-described 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

Robert G. Knight
Robert G. Knight, Mayor

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director of Law

State of Kansas)
Sedgwick County)
City of Wichita)
DALE E. REA, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed 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, MAY 14 1987
Dale E. Rea
Deputy City Clerk

3 R² ADD.

14 PART OF P & L 5
2 ND ADD.

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BUTLER'S

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ADDITION

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BUTLER

CRAIG'S