

City of Wichita
City Commission Meeting
March 3, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1439 - REQUEST TO VACATE AN EASEMENT, LOCATED ON THE EAST SIDE OF BRENTWOOD DRIVE, BETWEEN GEORGE WASHINGTON DRIVE AND CLARK STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of easement.

Background: Abel F. Bond, 2835 E. Funston, Wichita, KS 67211, is requesting this vacation to clear encroachments which have been built in the easement. The granting of the associated utility easement is a requirement of this case.

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. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
5. The applicant shall grant, by separate instrument, a substitute utility easement.

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

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

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

MICROFILMED
OF RECORD

7-101

IN THE MATTER OF THE VACATION OF EASEMENT.

GENERALLY LOCATED ON THE EAST SIDE OF
BRENTWOOD DRIVE, BETWEEN GEORGE WASHINGTON
DRIVE AND CLARK STREET. (V-1439)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
this MAR 3 1987

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT

MAR 12 1987

NO. 8 68048

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy

NOW on this 3rd day of March, 1987, comes on for hearing the petition for vacation filed by Abel F. Bond, praying for the vacation of the following described easement, to-wit:

The 10 foot easement crossing Lot 3, Mt. Vernon Heights 2nd Addition, Sedgwick County, Kansas, in a southeasterly direction, the centerline of the same being 109 feet northeasterly of and parallel with the southwesterly line of said Lot 3, except the south 8 feet thereof. (V-1439)

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 FEB 18 & 25, 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 BOARD OF CITY COMMISSIONERS, on this 3rd day of March, 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

Tony Casado
Tony Casado, Mayor

Approved as to Form:

Thomas R. Powell
Thomas Powell, Interim Director of Law

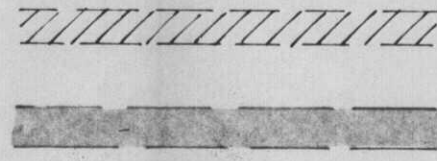
5.00

PL/6170/5

City Clerk

EXHIBIT

EASEMENT VACATION
& EASEMENT DEDICATION



LOT 3, MT. VERNON HEIGHTS SECOND
ADDITION, SEDGWICK COUNTY, KANSAS.

