

Planning Agenda Item # _____

City of Wichita
City Council Meeting
March 14, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1588 REQUEST TO VACATE A UTILITY EASEMENT LOCATED ON THE
SIDE OF 47TH STREET SOUTH IN AN AREA EAST OF HYDRAULIC
(District #4)

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: Additional building area is being sought for a structure. An existing sanitary sewer line as located along the east side of this easement. The applicant has proposed dedicating a substitute easement more centered on the sewer line. Effectively, 10-feet of the existing easement would actually be vacated. City Engineering and the Utility Advisory Committee have no objections to the vacation and substitute dedication. 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 and adopt dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and dedication, recording costs to be billed to:

300210-9024

Approved / Accepted By City Council
MAR 14 1989

STATE OF KANSAS)
SEDGWICK COUNTY) SS

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS- 12:30 PM

MAR 24 89 1000665

IN THE MATTER OF THE VACATION OF)
A UTILITY EASEMENT.)

PAT KETTLER
REGISTER OF DEEDS

GENERALLY LOCATED ON THE SOUTH SIDE OF)
47TH STREET SOUTH, IN AN AREA EAST OF)
HYDRAULIC. (V-1588))

MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

Ed Rea Deputy

VACATION ORDER

NOW on this 14th day of March, 1989, comes on for hearing the petition for vacation filed by Brent Wooten, agent for Bill Bell, etal, praying for the vacation of the following described utility easement, to-wit:

A 20-foot utility easement granted by separate instrument and filed with the Register of Deeds on Film 204, Page 210, legally described as the east 20-feet of the west 160-feet of the north 150-feet of Lot 1, Block A, South Hydraulic Park Second Addition, Sedgwick County, Kansas.

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
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 14th day of March, 1989, 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:

S. Kamen
Sheldon Kamen, Mayor

John Moir
John Moir, City Clerk

Approved as to Form:
Thomas Powell
Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certifies that the documents 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, this MAR 16 1989.
Dale E. Rea Deputy City Clerk

THE CITY OF WICHITA

SEDGWICK COUNTY

6.00

City Clerk

47th ST. SO.

