

Planning Agenda Item # _____

City of Wichita
City Council Meeting
December 20, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1571 - REQUEST TO VACATE A PLATTED UTILITY EASEMENT SOUTH
OF KELLOGG IN AN AREA EAST OF MISSION ROAD
(District #2)

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 applicant wishes to construct a masonry wall or fence along the east property line of a lot. This lot line is, however, encumbered by a utility easement and such a structure cannot be built in this easement. City Engineering and the Utility Advisory Subcommittee have indicated that the easement is not needed and no adverse effects will result from its 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:

300210-9024

Approved / Accepted By City Council

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

This STATE DEED 89-1988
SEDGWICK COUNTY ss
FILED FOR RECORD AT
JAN 11 1989 0989544

IN THE MATTER OF THE VACATION OF)
A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED SOUTH OF KELLOGG,)
300-FEET EAST OF MISSION ROAD (V-1571).)
)
MORE FULLY DESCRIBED BELOW)

PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 20th day of December, 1988, comes on for hearing the petition for vacation filed by Consolidated American Real Estate Company, Inc., praying for the vacation of the following described platted utility easement, to-wit:

The north 190 feet of the east 8 feet of Lot 1,
Block A, McHugh Addition, Wichita, Sedgwick
County, Kansas. (V-1571)

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 platted 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 platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of December, 1988, ordered that the above-described platted 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:

Sheldon Kamen
Sheldon Kamen, Mayor

Dale E. Rea
Dale E. Rea, Deputy 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 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, this JAN 6, 1988
Dale E. Rea
Deputy City Clerk

6.00

city clerk

HIGHWAY US 54

EAST KELLOGG STREET ADD.	KATHARINE ADD. 	ANDEEL 2 ND ADD.
ADDITION		

EAST MISSION ADD. 3	A MC HUGH ADD.	RIPSTRA ADD.	SCHOLFIELD -HATCHETT ADD.
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