

Planning Agenda Item # _____

City of Wichita
City Council Meeting
October 11, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Public Hearing V-1554 - Request to vacate a portion
of a platted utility easement located south of
Lincoln and east of Bluffview (District #3)

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: Planned development for a church at this site requires construction across a lot line presently encumbered by a sanitary sewer and easement. The church has provided a cash guarantee for abandonment of the sewer. Since the vacation will leave a platted lot without access to sanitary sewer a covenant has been obtained requiring the two involved lots to be conveyed (if sold) as one parcel. 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 the covenant and 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

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

GENERALLY LOCATED IN AN AREA SOUTH OF)
LINCOLN AND EAST OF BLUFFVIEW. (V-1554))

MORE FULLY DESCRIBED BELOW)

Approved / Accepted By City Council
This OCT 11 1988

STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 AM

MICROFILMED
OF RECORD

VACATION ORDER

OCT 18 88 0975237

PAT KETTLER
REGISTER OF DEEDS

Ed Resal Deputy

NOW on this 11th day of October, 1988, comes on for hearing the petition for vacation filed by Dennis L. Hesselbarth, praying for the vacation of the following described portion of a platted utility easement, to-wit:

The 32-foot wide easement platted on Lot 1, Block A and the North 27 feet of the 32-foot wide easement on Lot 19, Block A, all in Hilltop Manor Subdivision, a replat of parts of Hilltop Manor and Hilltop Manor No. 2, Wichita, Kansas.

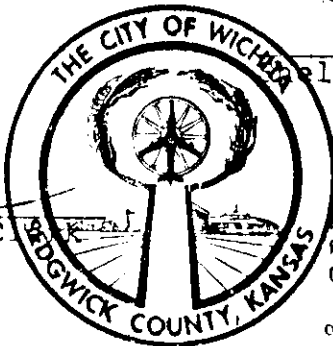
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

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 SEPT 28 & OCT 5, 88.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a 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 utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of October, 1988, ordered that the above-described portion of a 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:

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



S Kamen
Eldon Kamen, Mayor

Approved as to Form:

Thomas R. Powell
Thomas Powell, Director of Law

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 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 OCT 14 1988
Dale E. Rea Deputy City Clerk

g.ook

city clerk

