

Planning Agenda Item # _____

City of Wichita
City Council Meeting
September 13, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: Public Hearing V-1550 - REQUEST TO VACATE A PLATTED UTILITY EASEMENT,
LOCATED IN AN AREA WEST OF DUGAN AND NORTH OF KELLOGG (District #5).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve plat. *Vacation*

MAPC Recommendation: Approve plat. (unanimous)

Background: This vacation case has been requested in order to permit the applicant to build across a lot line. The applicant owns not only the subject lot, but also the lot to the west. This vacation is needed to clear buildable area for planned construction. The Utility Advisory Committee has verified that the easement is not needed for existing or future utilities. 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:

755-68-360-50000-295-000-000.

This SEP 13 1988

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 NORTH OF KELLOGG
AND WEST OF DUGAN (V-1550).

MORE FULLY DESCRIBED BELOW

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

OCT 388 0972662

VACATION ORDER

PAT KETTLER
REGISTER OF DEEDS

Ed Rea Deputy

NOW on this 13th day of September, 1988, comes on for hearing the petition for vacation filed by Income Producing Properties, a joint venture, praying for the vacation of the following described platted utility easement, to-wit:

The west 5 feet of Lot 1, Fleming's First Addition, Wichita, Sedgwick County, Kansas, except the north 10 feet thereof (V-1550).

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 AUG 31 1988 SEP 7 1988

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 13th day of September, 1988, 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:

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

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law



Heeta L. Winkler
HEETA L. WINKLER VICE MAYOR

City 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 the the City Clerk.

Given under my hand and seal of the City of

Wichita, this SEP 19 1988

Dale E. Rea Deputy City Clerk

5.00 A

City Clerk

MICROFILMED
OF RECORD

4

CENTRE

5

DRAINAGE

DED.

THIRD

ADD. 1

DOOLITTLE
ADD. 1

WOOLF
ADD. 1

FLEMING
FIRST 1

DUGAN

PART OF
AIR PARK
2ND ADD.

KELLOGG

US. 54

Y
1
D.
ING

WILBUR 2
WALKER
ADD. 1

2

ST. 1

DUGAN RD.

UNA
JOHNSON

SANDLIAN
2nd ADD.

VARIANT
ADD. 2

JENK

S, AIRPORT ADD 2

RAILROAD