

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 16, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING, V-1548 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY
EASEMENT, LOCATED IN AN AREA WEST OF PRESCOTT AND NORTH OF MAPLE
(District #5).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

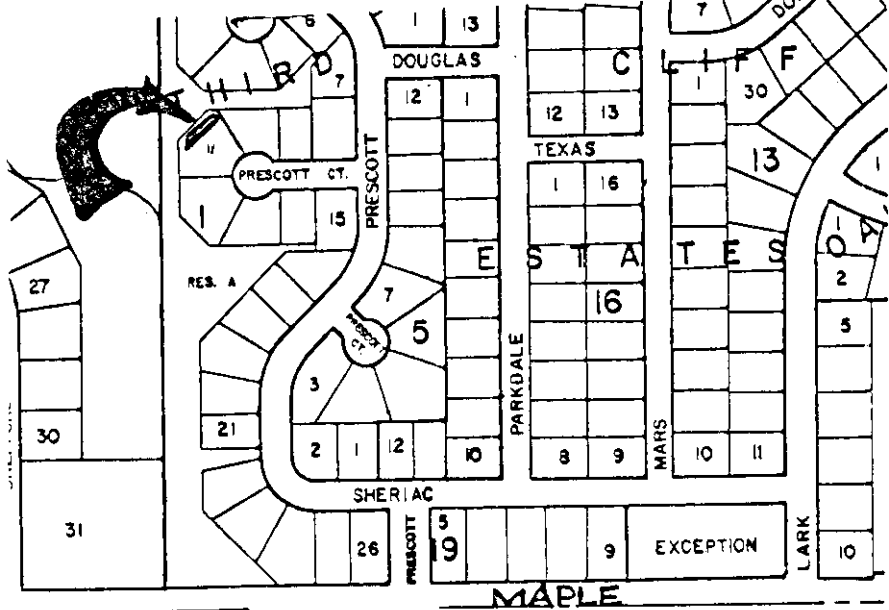
MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: This vacation case has been requested to provide additional buildable lot area for construction of a swimming pool. The Utility Advisory Committee has verified that this vacation will not interfere with existing or planned utility lines. 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.



IN THE MATTER OF THE VACATION OF A PORTION OF
A PLATTED UTILITY EASEMENT

GENERALLY LOCATED IN AN AREA WEST OF PRESCOTT
AND NORTH OF MAPLE (V-1548)

MORE FULLY DESCRIBED BELOW

Approved / Accepted By City Council
This AUG 16 1988

VACATION ORDER

NOW on this 16th day of August, 1988, comes on for hearing the petition for vacation filed by Darrell Hoefling, praying for the vacation of the following described portion of a platted utility easement, to-wit:

Vacation of a portion of an easement in Lot 11, Block 1, Oak Cliff Estates 3rd Addition to Wichita, Sedgwick County, Kansas, described as: commencing at the most northerly corner of said Lot 11; thence bearing S 45° 04' 07" W, along the northwesterly line of said Lot 11, a distance of 11.14 feet; thence bearing S 44° 55' 53" E, a distance of 3.00 feet to the point of beginning; thence bearing S 89° 55' 53" E, parallel to and 10.00 feet south of the north line of said Lot 11, a distance of 9.90 feet; thence bearing S 45° 04' 07" W, parallel to and 10.00 feet southeasterly of the northwesterly line of said Lot 11, a distance of 83.24 feet; thence bearing N 0° 04' 07" E, parallel to and 10.00 feet east of the west line of said Lot 11, a distance of 9.90 feet; thence bearing N 45° 04' 07" E, parallel to and 3.00 feet southeasterly of the northwesterly line of said Lot 11, a distance of 69.24 feet to the point of beginning. Containing 534 square feet more or less.

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 9 & 15, 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 16th day of August, 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

PL/8715/4

S. Kamen
Sheldon Kamen, Mayor

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 AUG 24 1988
Dale E. Rea Deputy City Clerk



City Clerk