

City of Wichita
City Council Meeting
March 1, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1521 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT,
LOCATED IN AN AREA EAST OF OLIVER AND SOUTH OF 29TH STREET
NORTH. (District #1)

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 in order to provide additional buildable lot area. The Utility Advisory Committee has verified that the two-foot wide portion of easement being vacated is not needed for existing or future public 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

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

MICROFILMED
OF RECORD

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

GENERALLY LOCATED IN AN AREA EAST OF OLIVER)
AND SOUTH OF 29TH STREET NORTH. (V-1521))

MORE FULLY DESCRIBED BELOW)

Approved / Accepted By City Council
This MAR 1 1988

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

MAR 15 1988
NO. 9 36254
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

*Ed Rea
Deputy*

NOW on this 1st day of March, 1988, comes on for hearing the petition for vacation filed by Signature Homes, Inc., praying for the vacation of the following described portion of a platted utility easement, to-wit:

Commencing at the southwest corner of Lot 10, Block 1, Beacon Hill, an addition to Wichita, Sedgwick County, Kansas; thence N 1° 13' 54" W, 40.00 feet along the west line of said lot; thence N 88° 46' 06" E, 8.00 feet to the point of beginning; thence N 1° 13' 54" W, 45.00 feet; thence N 88° 46' 06" E, 2.00 feet; thence S 1° 13' 54" E, 45.00 feet; thence S 88° 46' 06" W, 2.00 feet to the point of beginning. (V-1521)

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 FEB 17 & 24, 1988.
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 1st day of March, 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

Robert G. Knight
Robert G. Knight, Mayor

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 the the City Clerk. Given under my hand and seal of the City of

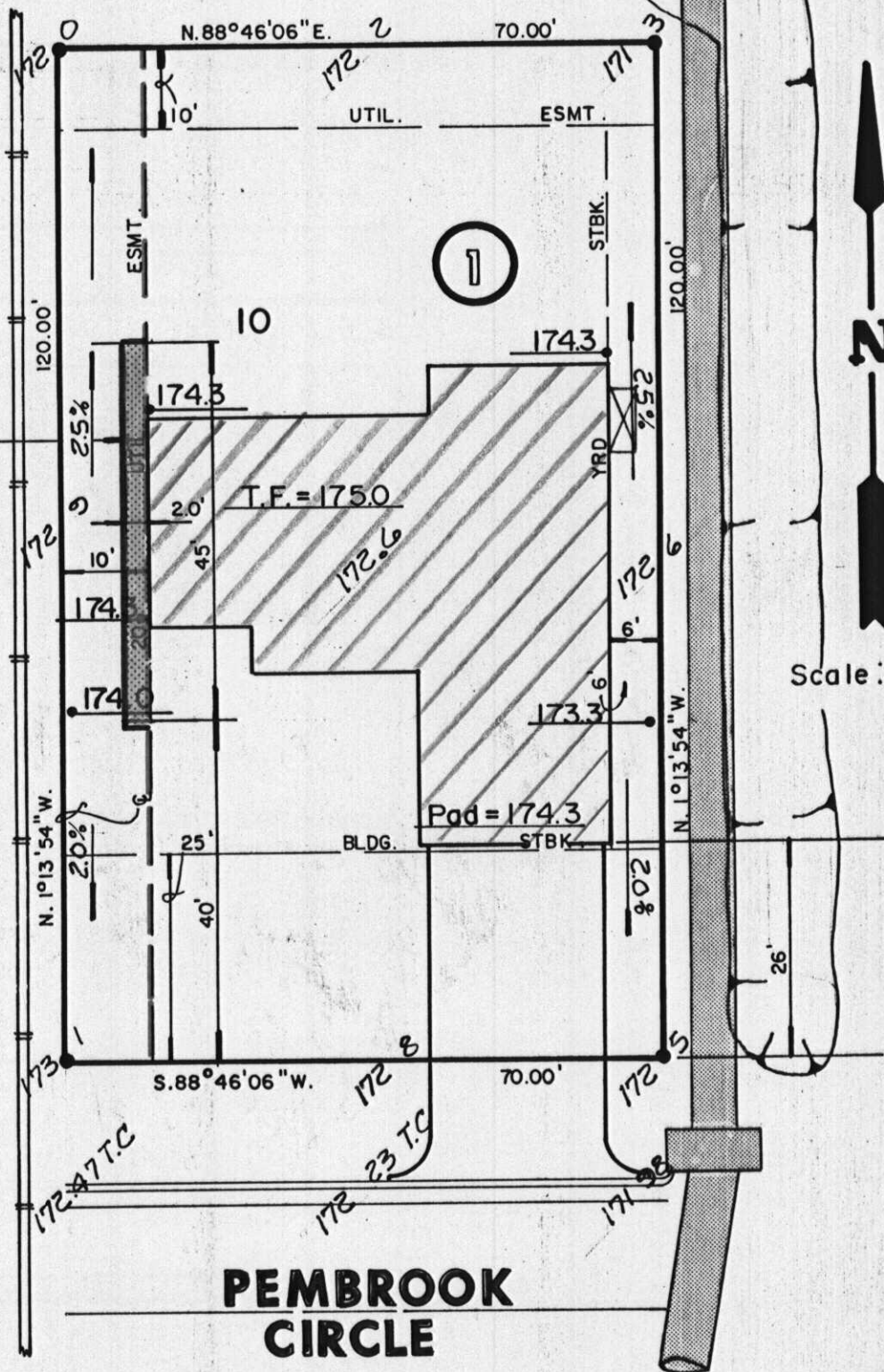
Wichita, this 1st day of March, 1988.
Dale E. Rea
Deputy City Clerk

Approved as to Form:

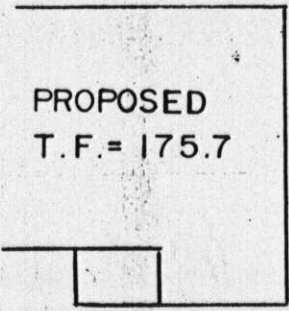
Thomas Powell
Thomas Powell, Interim Director of Law

City clerk

NOTE:
ROOF OVERHANG SHOULD NOT EXTEND INTO UTILITY EASEMENT



PORTION OF EASMENT TO BE VACATED



LEGEND

- Proposed Elevations
- Existing Elevation

Lot 10, Blk 1,
Beacon Hill Addition
5850 D

V-1521

BLDR - CRITCHEFIELD