

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
September 12, 1989

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1619 - REQUEST TO VACATE A PORTION OF A  
PLATTED UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF  
GREENBRIAR COURT, EAST OF ROCK ROAD  
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of utility easement.

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

Background: This vacation is requested in order to clear title for a property as the existing house encroaches into the utility easement. The Utility Advisory Committee has indicated that no adverse effects will result by the vacation of this utility easement. 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:

150029-2909

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

IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED UTILITY EASEMENT. )  
 )  
GENERALLY LOCATED ON THE NORTH SIDE OF )  
GREENBRIAR COURT, EAST OF ROCK ROAD )  
(V-1619). )  
 )  
 )  
MORE FULLY DESCRIBED BELOW )

Approved / Accepted By City Council  
This SEP 12 1989

VACATION ORDER

NOW on this 12th day of September, 1989, comes on for hearing the petition for vacation filed by Jeffery S. & Annette Rexwinkle, praying for the vacation of the following described utility easement, to-wit:

Commencing at a point of the west line and 35 feet north of the southwest corner of Lot 6, Block 1, Penstemon 3rd Addition to Wichita, Sedgwick County, Kansas;

Thence easterly, at 90° to the west line of said Lot 6, 4 feet to the Point of beginning; thence northerly, parallel to and 4 feet east of the west line of said Lot 6, 10 feet; thence easterly, at 90°, 1 foot; thence southerly, parallel to and 5 feet east of the west line of Lot 6, 10 feet; thence westerly, at 90°, 1 foot to the point of beginning.

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 8/30/89 9/6/89.
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.

*700*  
*City Clerk*

Vacation Order  
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5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of September, 1989, 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.

*Bob Knight*  
\_\_\_\_\_  
Bob Knight, Mayor



ATTEST:

*John Moir*  
\_\_\_\_\_  
John Moir, City Clerk

Approved as to Form:

*Thomas Powell*  
\_\_\_\_\_  
Thomas Powell, Director of Law

THE CITY OF WICHITA  
(State of Kansas)  
(Sedgwick County) as  
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 SEP 18 1989  
*Dale E. Rea* Deputy City Clerk

STATE OF KANSAS  
SEDGWICK COUNTY  
FILED AT  
11:00 A.M.  
SEP 20 1989  
P. J. TITLER  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

