

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 9, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1597 - VACATION OF A PLATTED UTILITY EASEMENT, LOCATED IN AN AREA SOUTH OF 13TH STREET NORTH AND WEST OF 119TH STREET WEST (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: An existing home has been found encroaching the utility easement. The easement was platted as 20-feet wide, but City Engineering indicates that no sanitary-sewer line is located within this easement. The Utility Advisory Committee has indicated that no adverse effects will result by the vacation of the portion of easement involved in the encroachment. 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

Approved / Accepted By City Council
This MAY 9 1989 FILED FOR RECORD AT
STATE OF KANSAS } SS
SEDGWICK COUNTY }
9:00 A H

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS MAY 11 89 1008301

IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED IN AN AREA SOUTH OF)
13TH STREET NORTH AND WEST OF 119TH)
STREET WEST (V-1597))
)
MORE FULLY DESCRIBED BELOW)

PAT KETTLER
REGISTER OF DEEDS

Ed Raso Deputy

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 9th day of May, 1989, comes on for hearing the petition for vacation filed by Randy Dean, praying for the vacation of the following described portion of a platted utility easement, to-wit:

The north 4 feet of the 10-foot utility easement as platted along the south line of Lot 14, Block 1, Walnut Creek Addition, Wichita, Sedgwick County, Kansas, except the east 20-feet and the west 20-feet thereof.

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 4/26 & 5/3, 1989.
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.

8:00 CA

City Clerk

100022-0007

Vacation Order
V-1597
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of May, 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.



ATTEST:

John Moir
John Moir, City Clerk

Bob Knight, Mayor

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rex, 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 MAY 10 1989
Dale E. Rex Deputy City Clerk

