

Planning Agenda Item # _____

City of Wichita
City Council Meeting
May 9, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1592 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT IN AN AREA SOUTH OF 13TH STREET NORTH AND WEST OF MERIDIAN (District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a platted utility easement.

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

Background: The applicant owns unplatted property adjacent to this platted site and wishes to remove the easement which bisects those properties. A substitute easement has been provided. City Engineering and the Utility Advisory Committee indicate that the vacation and substitute easement are acceptable. 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; and adopt dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, and dedication, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council
This MAY 9 1989

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
9:00 AM

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

MAY 11 1989 1008296

PAT KETTLER
REGISTER OF DEEDS

IN THE MATTER OF THE VACATION OF)
A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED SOUTH OF 13TH STREET)
NORTH AND WEST OF MERIDIAN (V-1592).)
)
)
MORE FULLY DESCRIBED BELOW)

Ed Bessal Deputy

MICROFILMED
OF RECORD

VACATION ORDER

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

The 5-foot utility easement as platted along the south boundary of Lot 10, Block A, O.E. Cook Addition, Wichita, Sedgwick County, Kansas, except th east 11.52 feet thereof; and the west 4.48 feet of the north-south 16-foot utility easement as platted in the south half of Lot 10, Block A, O.E. Cook Addition to Wichita, Sedgwick County, Kansas.

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 4/23 & 5/2, 1989.
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.

8.00 CA

City Clerk

156627-1000

Vacation Order
V-1592
Page 2

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
Bob Knight, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, City Clerk of the City of Wichita, Kansas, do 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

Approved as to Form:

Thomas Powell
Thomas Powell, Director of Law

