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Planning Agenda # _____

**City of Wichita
City Council Meeting
November 15, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1778 Request to vacate a utility easement located south of Kellogg and east of Ridge Road.
(District #5)

INITIATED BY: Metropolitan Area Planning Department *MK*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant is requesting the vacation in order to provide additional buildable area on this and an adjoining Addition. A sanitary sewer line was located in the easement and the applicant has guaranteed its relocation. City Engineering and the utility representatives of the Subdivision Committee have agreed that this portion of easement can be vacated. 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/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:
150029-2909

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

IN THE MATTER OF THE VACATION OF A)
UTILITY EASEMENT)
)
GENERALLY LOCATED SOUTH OF KELLOGG) MAPD Case No. V- 1778
AND EAST OF RIDGE ROAD)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 15th day of November, 1994, comes on for hearing the petition for vacation filed by Nancy Dugan, etal, praying for the vacation of the following described utility easement, to-wit:

The west 100 feet of the east-west utility easement, as platted in the Diamond Third Addition, to Wichita, Kansas and adjacent to the south line of the Diamond Addition or more specifically described as:

A tract of land in the W 1/2 of the SW 1/4 of Sec. 27, Township 27-S, Range 1-W beginning at a point on the south right-of-way line of the U.S. 54 Highway as condemned in case A-38302 and 175 feet west of the east line of said W 1/2 and S.87°14'W.120.00'; thence S.01°33' E. 250' to a point of beginning thence S. 01°33'E. 20' thence West 100' thence N. 20' thence east 100' 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 Reporter of notice of this vacation proceeding for consecutive weeks on _____.

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 15th day of November, 1994, 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.

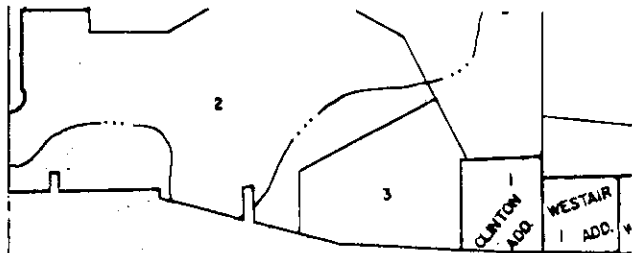
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

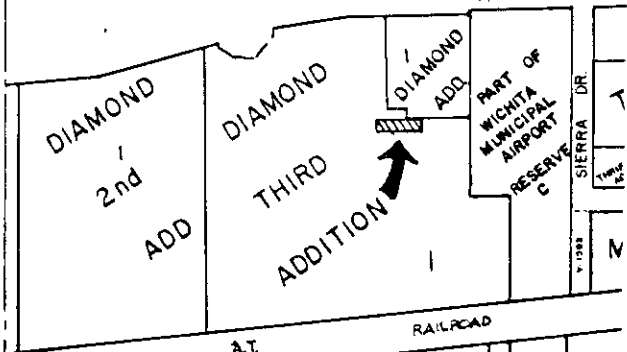


KELLOGG

ST.

U.S. 54 HIGHWAY

KELLOGG



DIAMOND

2nd

ADD

DIAMOND

THIRD

ADDITION

DIAMOND
ADD.

PART OF
WICHITA
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