

Planning Agenda Item # _____

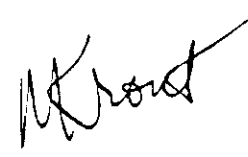
City of Wichita
City Council Meeting
June 16, 1992

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1766 REQUEST TO VACATE A UTILITY EASEMENT
CREATED BY SEPARATE INSTRUMENT. LOCATED NORTH OF 13TH
STREET NORTH AND WEST OF WEBB ROAD.
(District #2)

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 easement was originally granted to the City and was used for a sanitary sewer force main. This sewer has, however, been abandoned and both City and County Engineering indicate no need exists any more for the easement. Also no other utilities are involved. The applicant desires to install fencing and other improvements which would not be allowed if an easement existed. 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 the vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Vacation 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

V-1766

IN THE MATTER OF THE VACATION OF)
)
SANITARY SEWER EASEMENT)
AT FILM 476, PAGE 289)
)
GENERALLY LOCATED ON THE NORTH SIDE OF)
13TH STREET AND WEST OF WEBB ROAD AS)
AFFECTS LOT 1, BLOCK 1 FOLIAGE SECOND)
ADDITION (V-1766))
)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 16th day of June, 1992, comes on for hearing the petition for vacation filed by C. Robert Buford etux, praying for the vacation of the following described utility easement, to-wit:

That portion of the sanitary sewer easement recorded at film 476, page 289, a copy of which is attached hereto and incorporated herein, commencing 93.8 feet west of the center of Webb Road and continuing west and north, 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 Reporter of notice of this vacation proceeding for consecutive weeks on 6-2-92 & 6-9-92.
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.

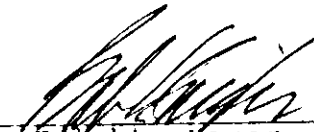
10.00 ck

City Clerk

156687 10

Vacation Order
V-1766
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1992, 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.

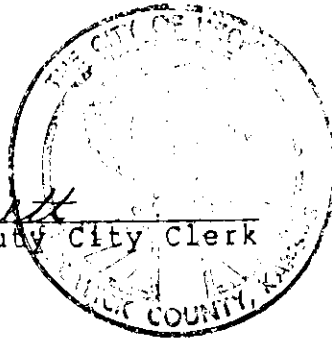


Bob Knight, Mayor

ATTEST:

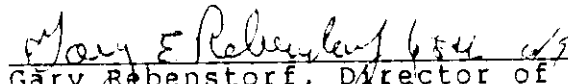


Pat Burnett, Deputy City Clerk



MICROFILMED
OF RECORD

Approved as to Form:



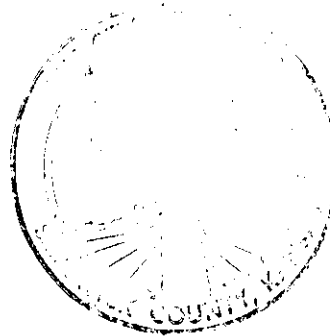
Gary Rebenstorf, Director of Law

STATE OF KANSAS
RECORDS & DEEDS

8:00 AM
JUN 16 1992

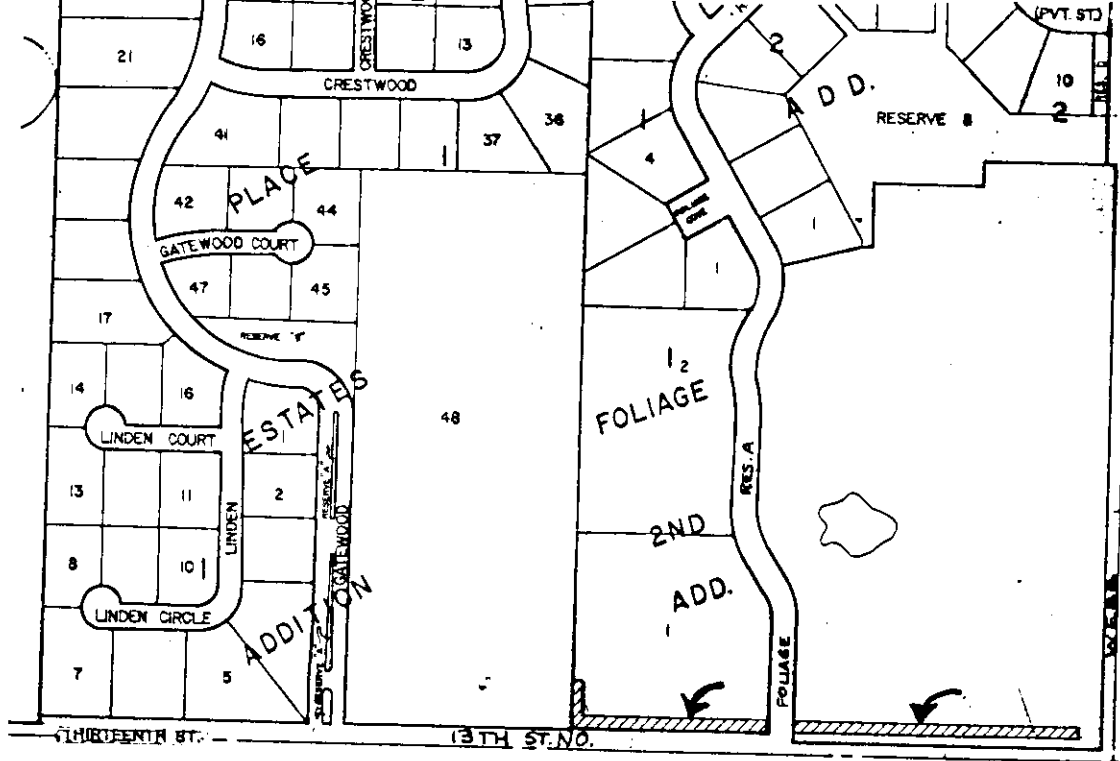
W. KETTLER
REGISTER OF DEEDS

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is attached 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 June 16, 1992.
 Deputy City Clerk





Sketch.



129/92 - During Meeting - City Law Dept. indicated that since easement is to the City - only needs to go to WCC & not to County Bd. Comm. for hearing & approval.

Application Filed 4/23/92
S/D Comm. Action App 5/14/92

M.A.P.C. Action 5/21/92 App

W.C.C. Action 6-16-92 Approved

Bd. Co. Co. Action _____

Order to vacate Recorded _____

County Recorded
July 23, 1992