

Planning Agenda Item # _____

City of Wichita
City Council Meeting
November 5, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1737 - REQUEST TO VACATE PLATTED UTILITY
EASEMENTS LOCATED EAST AND WEST OF BURNS CIRCLE IN AN AREA
NORTH OF 33RD ST. NORTH
(District #1)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements.

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

Background: Actual installation of utilities was done along front of lots rather than by these side yard easements. Since the easements were not being used the applicant desires to remove them so as not to encumber the use of the lots, City Engineering and the Utility Advisory Committee indicate that the vacation of these easements will have no adverse effects. 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)
PLATTED UTILITY EASEMENTS.)
)
GENERALLY LOCATED EAST AND WEST OF BURNS)
CIRCLE IN AN AREA NORTH OF 33RD ST. N.)
(V-1737))
)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 5th day of November, 1991, comes on for hearing the petition for vacation filed by Richard P. Jesse, praying for the vacation of the following described utility easements, to-wit:

The south 5 feet of Lot 4 except the east 20 feet thereof and the south 5 feet of Lot 11 except the west 20 feet thereof, Jesse Addition, 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 10/22/91 & 10/29/91.
2. No private rights will be injured or endangered by the vacation of the above-described utility easements, 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 easements described herein should be approved.

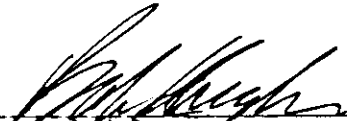
MICROFILMED
OF RECORD

8.00 ck

City Clerk

Vacation Order
V-1737
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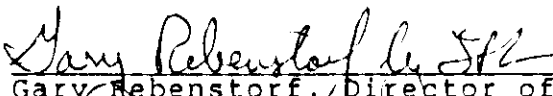
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of November, 1991, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

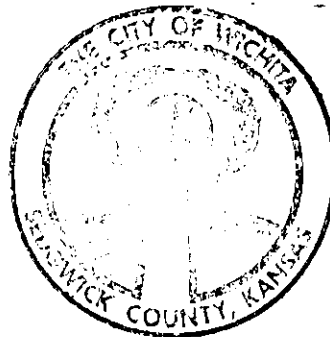

Bob Knight, Mayor

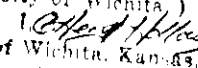
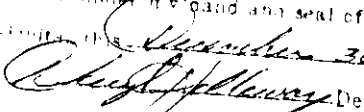
ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

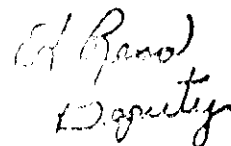


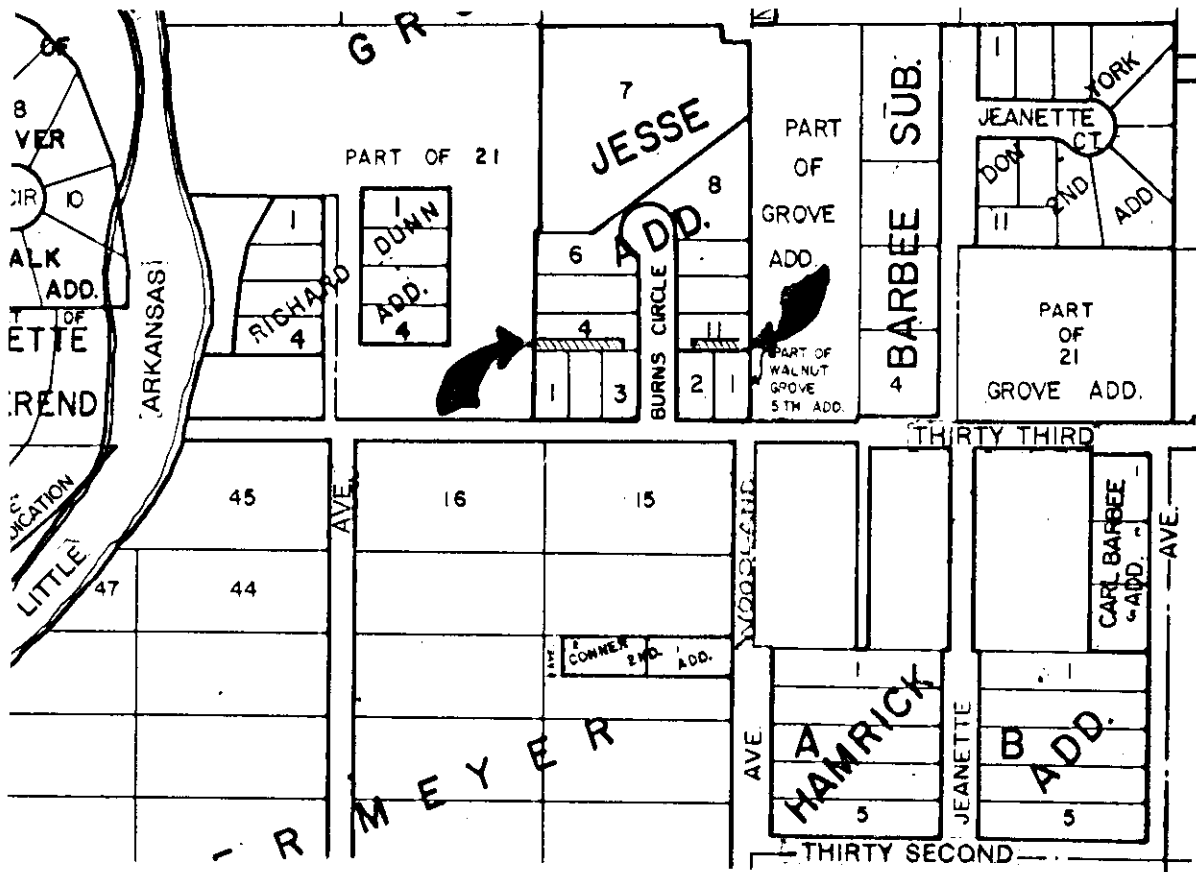
State of Kansas)
Sedgwick County) ss
City of Wichita)
I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this November 30, 1991.
 Deputy City Clerk

STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 A.M.

MAR 5 92 1192193

PAT KETTLER
REGISTER OF DEEDS


Ed Bano
Deputy



Application Filed 9/17/91
 S/D Comm. Action 10/3/91
 M.A.P.C. Action 10/10/91

W.C.C. Action 11-5-91
 Bd. Co. Co. Action Approved
 Order to Vacate Recorded
March 5, 1992