

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 12, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1857 REQUEST TO VACATE A PORTION OF A
UTILITY EASEMENT LOCATED WEST OF RIDGE AND SOUTH OF
21ST STREET NORTH
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Krout

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation. (unanimous)

Background: This easement and a corresponding easement on the adjacent lot provided a 20-foot easement at this site. Such an easement is the standard size when both City sanitary sewer and other utilities are located in the same easement area. However, sanitary sewer was never installed in the easement. While other utility lines are in the easement, the utility representatives of the Subdivision Committee indicate that the portion requested for vacation is acceptable. The applicant has requested the vacation in order to provide more buildable area on the lot. 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 WEST OF RIDGE ROAD) Case No. V-1857
AND SOUTH OF 21ST STREET NORTH)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 12TH day of April, 1994, comes on for hearing the petition for vacation filed by Daniel M. Loyd, praying for the vacation of the following described utility easement, to-wit:

The west four (4) feet of the 10-foot wide utility easement as platted along the east line of Lot 12, Block 12, Westwood Heights Second Addition, to Wichita, Sedgwick County, Kansas, except the north 10-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 Reporter of notice of this vacation proceeding for consecutive weeks on 4-1-94 & 4-8-94.
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

City Clerk

2-

Vacation Order
V - 1857 - Daniel M. Loyd

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of April, 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.

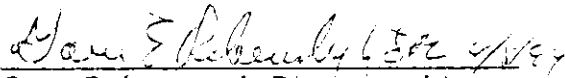

Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

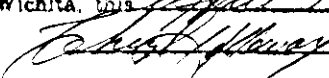


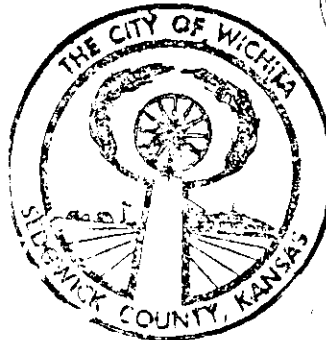
Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Cheryl Hallock, 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 the the City Clerk.

Given under my hand and seal of the City of Wichita, this April 13, 1994
 Deputy City Clerk



STATE OF KANSAS
SEDGWICK COUNTY) ss
FILED FOR RECORD AT

8-00a
JUN 23 1994
NO. 1392073
PAT KETTLER
REGISTER OF DEEDS


Ed Resor
Deputy

WESTLAWN CIR.

45

50

52

2

15

ST.

1

24

1

24

TOPAZ

6

19

10

REDBARN

6

19

11

WOODCHUCK

WESTLAWN

19 TH

ST.

1

12

13

6

7

BELLA

VISTA

1

33

26

23

22

30

29

13

LANE

3

21

31

PAR