

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 17, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1852 Request to vacate portions of utility easements and a building setback located east of Rock Rd. and north of 37th St. North. (District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements and building setbacks.

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

Background: Additional building area is needed for homes being planned for the two lots involved in this vacation. The applicants are in essence shifting the utility easement to one of the lots while reducing the building setback on that lot. Both lots, however are intending to face the homes to Mulberry which was originally platted with only a 15 foot setback on the two lots. In order to provide a more appropriate setback, restrictive covenants have been submitted requiring homes to be setback at least 20 feet. Also, to offset the reduction of easement in Lot 6, a substitute easement is being granted in the adjacent Lot 7. City Engineering, the utility representatives and the Subdivision Committee have indicated that the vacation along with the covenants and substitute easements are acceptable and should result in no negative impacts.

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; accept the utility easements; and record a certified copy of the Vacation Order, the covenants and the utility easements, recording costs to be billed to:

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT AND A BUILDING)
SETBACK)
)
GENERALLY LOCATED) Case No. V-1852
EAST OF ROCK RD. AND NORTH OF 37TH)
ST. NORTH)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 17th day of May, 1994, comes on for hearing the petition for vacation filed by Harry Abromeit and Michigan National Bank, praying for the vacation of the following described utility easement and building setback, to-wit:

Utility Easements: The west 2' of the east 10' except the north 20' of Lot 6, Block 1, Willowbend First Addition, and also; The east 3' of the west 5' of the north 25' of the south 75' of said Lot 6.

Building Setback: The east 10' of the west 25' of Lot 7, Block 1, Willowbend First Addition, except the south 15' 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 5-6-94 & 5-13-94

2. No private rights will be injured or endangered by the vacation of the above-described utility easement and building setback, 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 and building setback described herein should be approved.

U. City Clerk

150029 3011

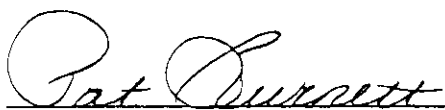
21

MICROFILMED
RECORD

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of May, 1994, ordered that the above-described utility easement and building setback 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.

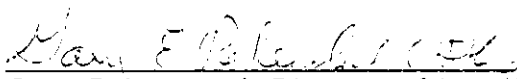

Elma Broadfoot, Mayor

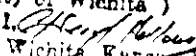
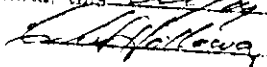
ATTEST:


Pat Burnett, Deputy City Clerk



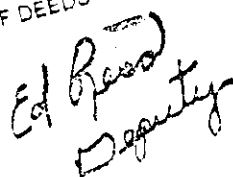
Approved as to Form:

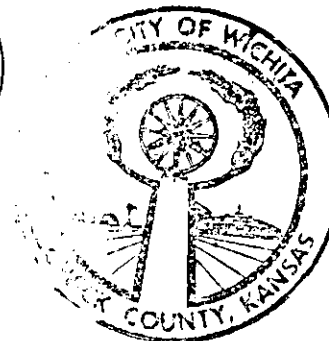

Gary Rebenstorf, Director of Law

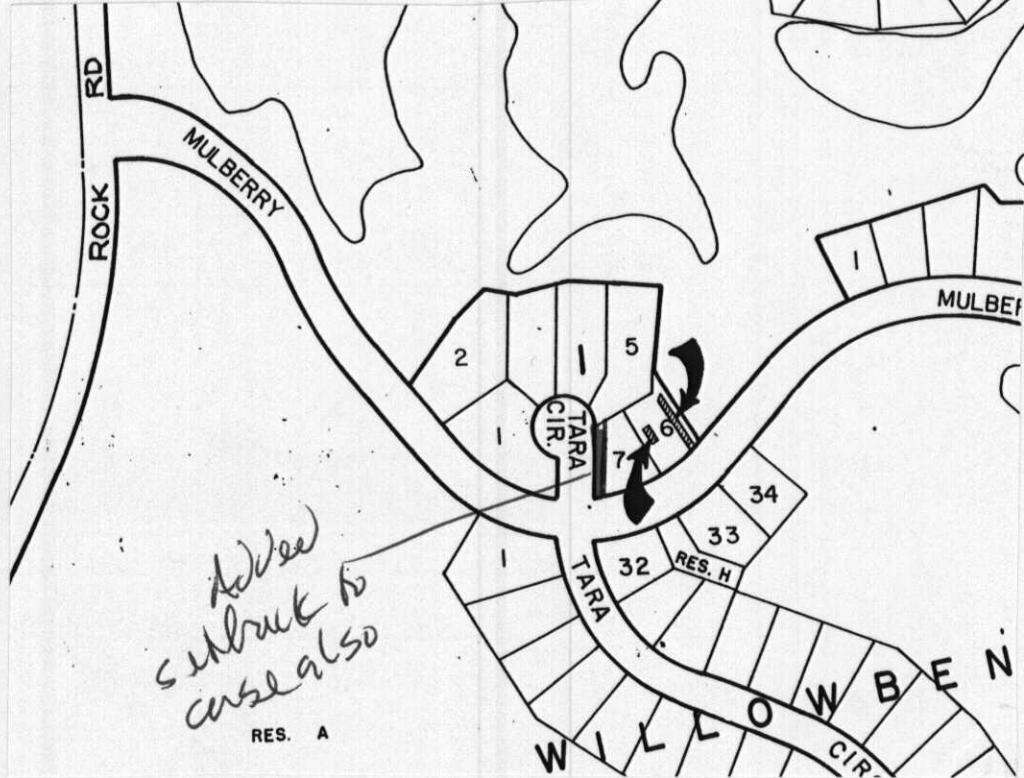
State of Kansas)
Sedgwick County) ss
City of Wichita)
I,  Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of Wichita, this 17th day of May, 1994.
 Deputy City Clerk

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

JUN 16 1994
1389992
NO. PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy





Application Filed 12/13/93
S/D Comm. Action 1/6/94

M.A.P.C. Action ^{App.} [>] 11/13/94

W.C.C. Action 5-17-94 Approved

Bd. Co. Co. Action

Order to Vacate Recorded June 26 1994