

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
November 30, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1840; Request to vacate utility easement, generally located south of 21st Street North and east of Maize Road. (District # 5).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of portions of platted utility easements. In addition to holding ownership to West Towne Baptist Church Addition, applicant also owns Lots 1, 2, 3, 11, 12 and 13 of Block 6, Graf-Goldston Addition. Though public utility easements in Lots 2, 3, 11 and 12 will not be affected by this vacation, a restrictive covenant has been provided for Lots 1 and 13, Block 6, Graf-Goldston Addition, and West Towne Baptist Church Addition so that these lots will be considered one lot for all development and use purposes. Applicant intends to increase the buildable area for a church and associated parking lot. Staff and MAPC have recommended approval because no utilities, public or private, will be compromised at this site, adequate easements area will remain for utilities to service this site, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Close the public hearing; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the 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
UTILITY EASEMENT

GENERALLY LOCATED SOUTH OF 21ST
STREET NORTH AND EAST OF MAIZE
ROAD

MORE FULLY DESCRIBED BELOW

) Case No. V-184

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED } RECORD AT
8:00 a M

FEB 4 94 1357700

PAT KETTLER
MINISTER OF DEEDS

VACATION ORDER

NOW on this 30TH day of November, 1993, comes on for hearing the petition for vacation filed by West Towne Baptist Church, praying for the vacation of the following described utility easement, to-wit:

Those portions of utility easement described as:

The east 10 feet of Lot 1, Block 1, West Towne Baptist Church Addition, Wichita, Sedgwick County, Kansas; and

The west 10 feet of Lots 1 and 13, Block 6, Graf-Goldston Addition, Wichita, Sedgwick County, Kansas; and

The south 10 feet of Lot 1, Block 6, Graf-Goldston Addition, Wichita, Sedgwick County, Kansas, except the east 10 feet, thereof; and

The north 10 feet of Lot 13, Block 6, Graf-Goldston Addition, Wichita, Sedgwick County, Kansas, except the east 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 11-10-93, 11-17-93.
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

MICROFILMED
 OF RECORD

8.00

City Club

260 150009 2409 8-

Vacation Order
V - 1840

Page 2 of 2

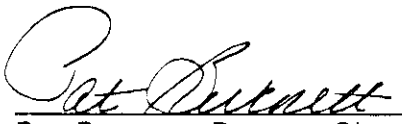
thereby.

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 30th day of November, 1993, 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

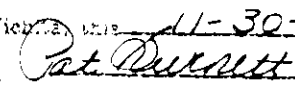
ATTEST:


Pat Burnett, Deputy City Clerk

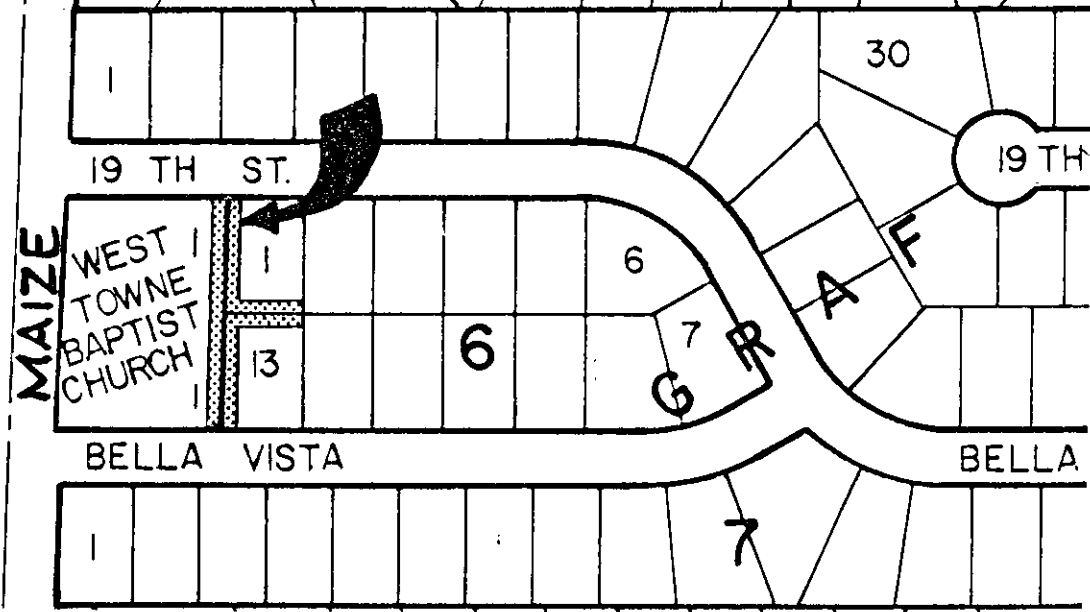


Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, PAT BURNETT, 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 11-30-93
 Deputy City Clerk





Application Filed 9/15/93
S/D Comm. Action 10/14/93

Approved

M.A.P.C. Action 10/21/93

Approved

W.C.C. Action 11-30-93 *Approved*

Bd. Co. Co. Action _____

Order to Vacate Recorded _____

February 4 1994