

Planning Agenda Item # _____

City of Wichita
City Council Meeting
July 13, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1814; Request to vacate utility easement, generally located south of 29th Street North and west of Ridge. (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 a portion of a platted utility easement. The block was originally platted into eight (8) lots as part of Reflection Ridge Ninth Addition. However, the owner/developer desires to convert these [eight] lots into seven (7) platted lots. The vacation of utility easement will increase the amount of buildable space for single-family houses. This "boundary shift" requires the vacation of the existing platted utility easement, and the granting, by separate instrument, of an alternative platted utility easement. Staff and MAPC have recommended approval because no utilities are located in the existing easement, development of the area will be served by the alternate easement, 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; accept the Utility Easement; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the Easement and certified copy of the 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
UTILITY EASEMENT

MICROFILMED
OF RECORD

GENERALLY LOCATED WEST OF RIDGE
ROAD AND SOUTH OF 29TH STREET
NORTH

) Case No. V-1814

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of July, 1993, comes on for hearing the petition for vacation filed by Reflection Ridge, Inc., praying for the vacation of the following described utility easement, to-wit:

That portion of utility easement described as:
The north 5 feet of Lot 15, and the south 5 feet of Lot 16, Block 1, Reflection Ridge 9th Addition to Wichita, Sedgwick County, Kansas; except the west 20 feet thereof. (V-1814)

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 6/29/93 + 7/6/93.
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 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 *ck*

City Clerk

150029 2909 8-

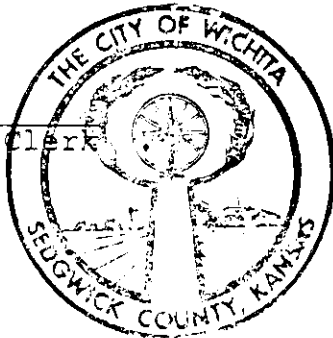
Vacation Order
V-1814
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of July, 1993, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Elma Broadfoot
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

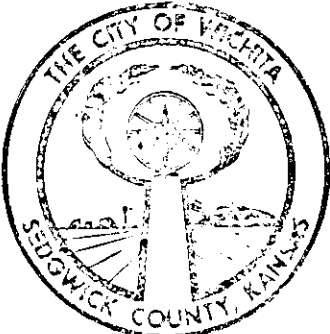


Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

FILED
JUL 13 1993
8:00 a.m.
JUL 13 1993
PAT KETTLER
REGISTER OF DEEDS

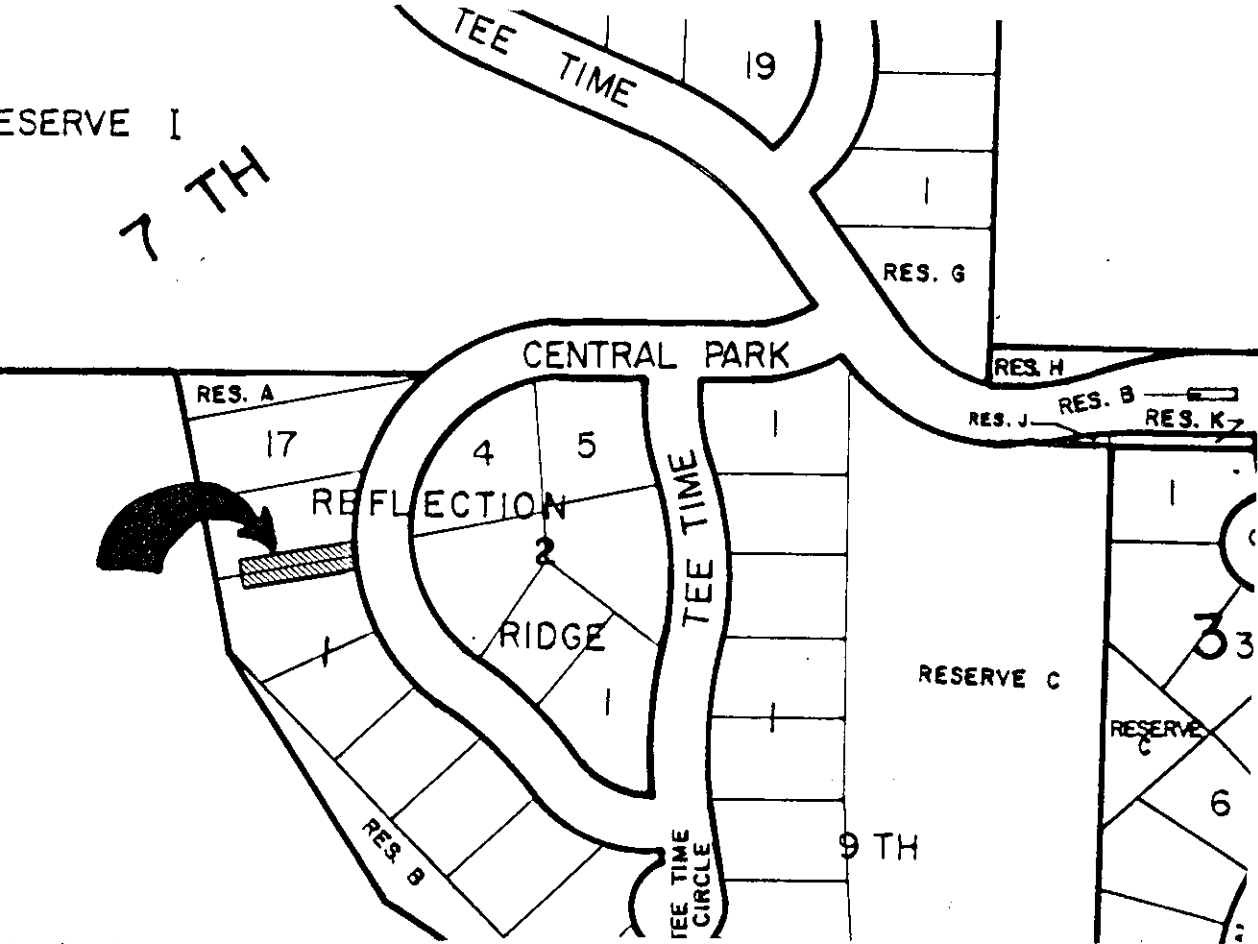
State of Kansas)
County of Sedgwick)
City of Wichita)
I, Pat Burnett, Deputy City Clerk of the City of Wichita, do hereby certify that the document herein is a true and correct copy of the original as the same appears in the files of the City Clerk.
Witness my hand and seal of the City of Wichita, Kansas, this 13th day of July, 1993.
Pat Burnett Deputy City Clerk



Pat Kettler

RESERVE I

7 TH



Application Filed 5/4/93
 S/D Comm. Action 5/27/93
Approved
 M.A.P.C. Action 6-3-93
Approved

W.C.C. Action 7-13-93 Approved
 Bd. Co. Co. Action _____
 Order to Vacate Recorded _____

July 13, 1993
August