

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 13, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1908 REQUEST TO VACATE UTILITY
EASEMENTS IN AREA SOUTH OF 35TH ST. N. AND EAST OF ROCK.
(District #2)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: Existing storage type structures were found to be encroaching utility easements by from one (1) to just under two (2) feet. In order to rectify the situation, the applicant is vacating the involved easements and resubmitting an easement for one of the easements that will be a full 20 feet in width and clear of any encroachments. All existing utilities will continue to be covered by the new easements and City Engineering and the utility representatives of the Subdivision Committee have indicated this would be acceptable. 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: Accept the substitute utility easements; 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

MICROFILMED
OF RECORD

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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

GENERALLY LOCATED SOUTH OF 35TH
ST. N. AND EAST OF ROCK

MORE FULLY DESCRIBED BELOW

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)
)
) Case No. V-1908
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)
)
)

VACATION ORDER

NOW on this 13th day of June, 1995, comes on for hearing the petition for vacation filed by Keith L. Anderson, praying for the vacation of the following described, utility easement to-wit:

Commencing at the S.E. Corner of Lot 1, Block 5, Stonehedge, an Addition to Wichita, Sedgwick County, Kansas; thence N 01°05'19"W, along the east line of said Lot 1, 40 feet to the north line of a 40 foot utility easement as platted in said Lot 1; thence S 89°07'21"W, along said north easement line, 34.88 feet for a place of beginning; thence continuing S 89°07'21" W. along said north easement line, 342.50 feet; thence S 00°47'48" E, 1.26 feet; thence N 89°12'12" E, 342.50 feet; thence N 00°47'48" W, 1.74 feet to the point of beginning.

A 20 foot utility easement centered on a line described as beginning at a point on the east line of Lot 1, Block 5, Stonehedge, an Addition to Wichita, Sedgwick County, Kansas, said point being 160.00 feet north of the S.E. corner of said lot; thence at a bearing of S 89°07'21" W, 107.80 feet to the point of termination.

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 5/26/95 + 6/2/95.

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Jck

Vacation Order
V-1908

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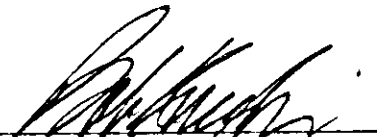
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.

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.

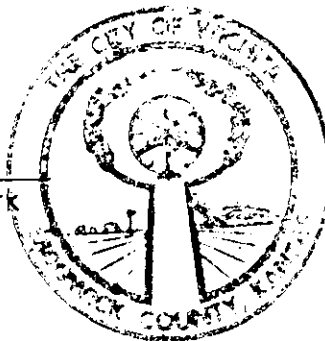
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of June, 1995, 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



STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT

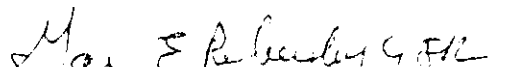
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Approved as to Form:



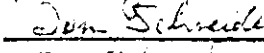
PAT KETTLER
REGISTER OF DEEDS

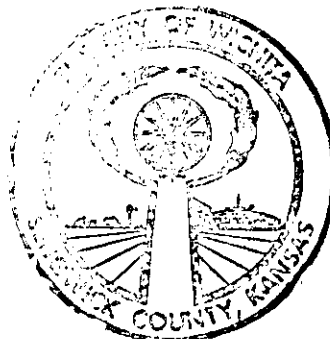

Gary Rebenstorf, Director of Law

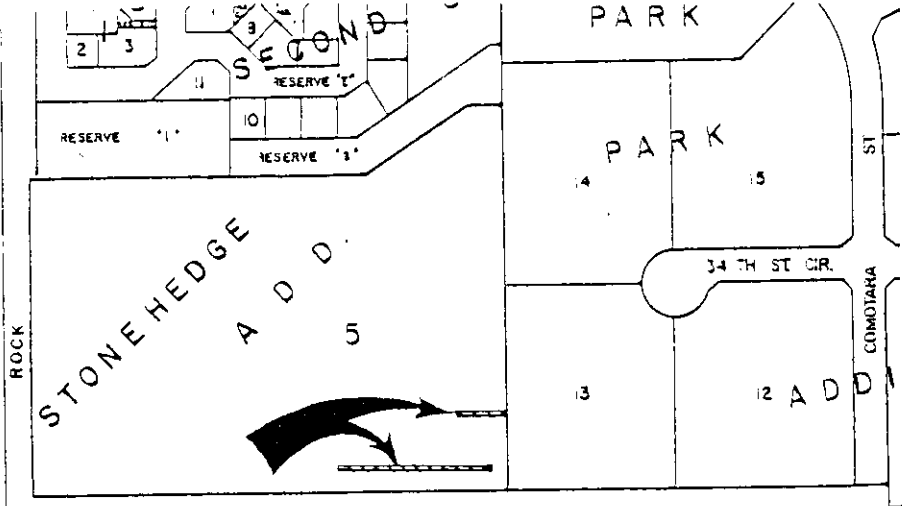
State of Kansas }
Sedgwick County) ss
City of Wichita)

I, Tom Schneider, 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 June 16, 1995.


Tom Schneider, Deputy City Clerk





K-96

MEDITERRANEAN
PLAZA