

**City of Wichita
City Council Meeting
February 7, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1895 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED WEST OF MERIDIAN AND SOUTH OF
29TH STREET NORTH.
(District #5)

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: An addition to a home was found to be encroaching the utility easement and the vacation is being requested to clear the cloud on the property's title. Both City Engineering and the utility representatives of the Subdivision Committee have indicated that no facilities are located in the portion of easement requested for vacation and consequently the easement can be vacated without harm. 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

MICROFILMED
OF RECORD

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

IN THE MATTER OF A UTILITY EASEMENT)
)
)
 GENERALLY LOCATED WEST OF MERIDIAN) MAPD Case No. V-1895
 AND SOUTH OF 29TH ST. NORTH)
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 7th day of February, 1995, comes on for hearing the petition for vacation filed by Linda Dreiling, praying for the vacation of the following described utility easement, to-wit:

The 8 foot utility easement platted along the west line of Lot 1, Block 1, Valley Park Addition, Wichita, Kansas or more particularly described as that portion of easement starting at the south line of Lot 1, Block 1 and extending northward 70.3 feet.

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 1/20/95 & 1/27/95.
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.

*2/23/95
City Clerk*

150029 2909

8-

Vacation Order
V-1895

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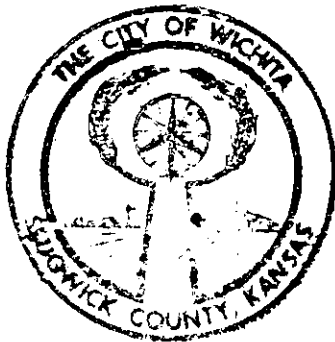
5. The vacation of the utility easement described herein should be approved.

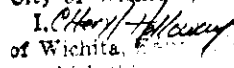
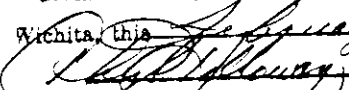
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of February, 1995, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



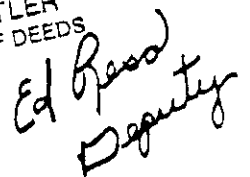
State of Kansas)
Sedgwick County) ss
City of Wichita)
I,  Deputy City Clerk of the City
of Wichita, hereby certify that the document
to which this attestation is affixed is a true and correct copy of
the original of said document as the same appears to the City Clerk.
Given under my hand and seal of the City of
Wichita, this February 22, 1995
 Deputy City Clerk
CHERYL HOLLOWAY



STATE OF KANSAS)
SEDGWICK COUNTY) ss
FILED FOR RECORD AT
8-602 M

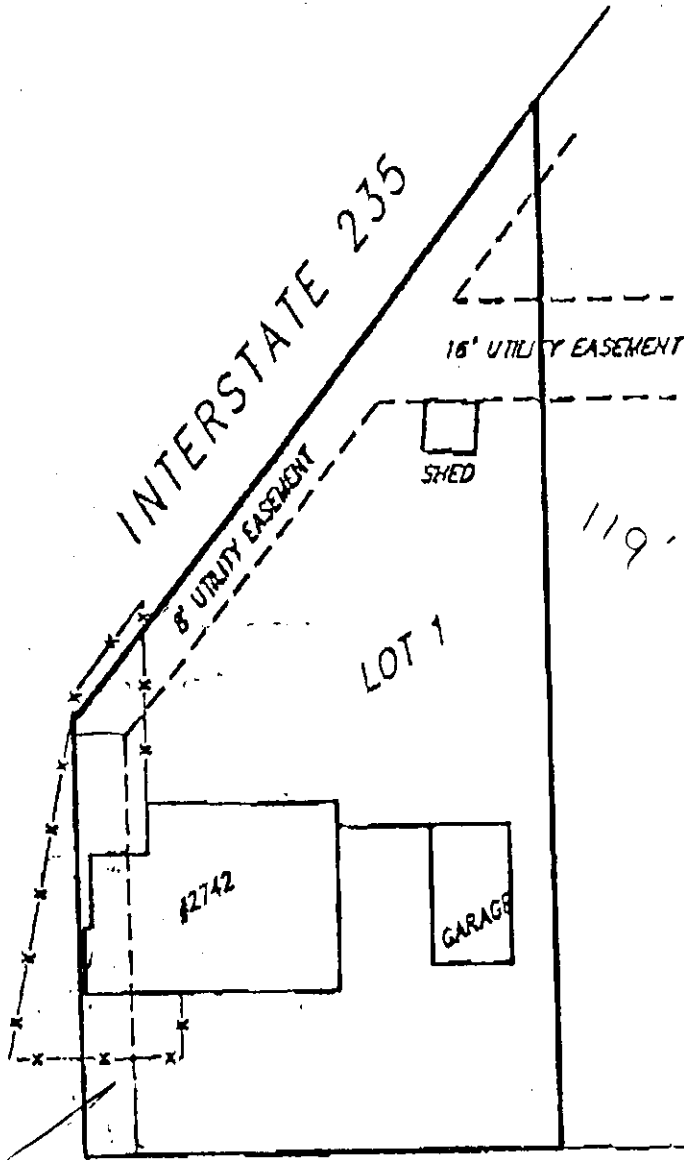
MAR 07 1995

NO. 1439736
PAT KETTLER
REGISTER OF DEEDS


Ed Reed
Deputy

MORTGAGEE TITLE INSPECTION
(This Does Not Constitute A Boundary Survey)
Note: Positional tolerance of setback and offside
dimensions is 0.5± unless otherwise noted.)

*Legal
L1 Blk 1 Valley Par.*



Need to Vacate

27TH STREET NORTH