

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 30, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1880 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED NORTH OF DOUGLAS AND EAST OF
EDGEMOOR
(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: The applicant wishes to construct a concrete screening wall along a portion of her north property line. The easement being vacated has never been used and all utility companies have agreed to its vacation. In exchange for vacating the side lot easement, the City requested the grant of an additional two feet of easement along the rear lot line to increase that 8-foot easement to ten feet in width which is the current standard. 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 grant of additional utility easement and instruct the City Clerk to record; 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

Approved / Accepted By City Council

This AUG 30 1994

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

IN THE MATTER OF THE VACATION OF A UTILITY EASEMENT

GENERALLY LOCATED NORTH OF DOUGLAS AND EAST OF EDGEMOOR

MORE FULLY DESCRIBED BELOW

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Case No. V-1880



STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT
1:00 P M

OCT 5 1994

1413507

NO. PAT KETTLER
REGISTER OF DEEDS

*Pat Kettler
Deputy*

VACATION ORDER

NOW on this 30TH day of August, 1994, comes on for hearing the petition for vacation filed by Dorothy P. Tillery, praying for the vacation of the following described utility easement, to-wit:

The five (5) foot utility easement as platted along the north line of Lot 27, Block 1, Park Hollow Addition to Wichita, Kansas, except the west 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 8/19/94 & 8/26/94.
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.

MICROFILMED
OF RECORD

800

City Clerk

Vacation Order
V - 1880

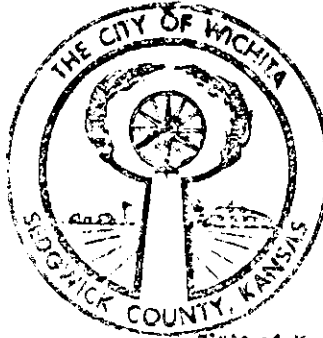
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of August, 1994, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

Elma Broadfoot
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk



Approved as to Form:

Gary Rebenstorf
Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Cheryl Holloway Deputy City Clerk of the City
of Wichita, Kan do 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 30th day of August, 1994
Cheryl Holloway Deputy City Clerk



HEIGHTS

5
2ND.
21
22

6
ADD.

21
22

ST.

19 20

HEIGHTS
2

1 2

ADD.

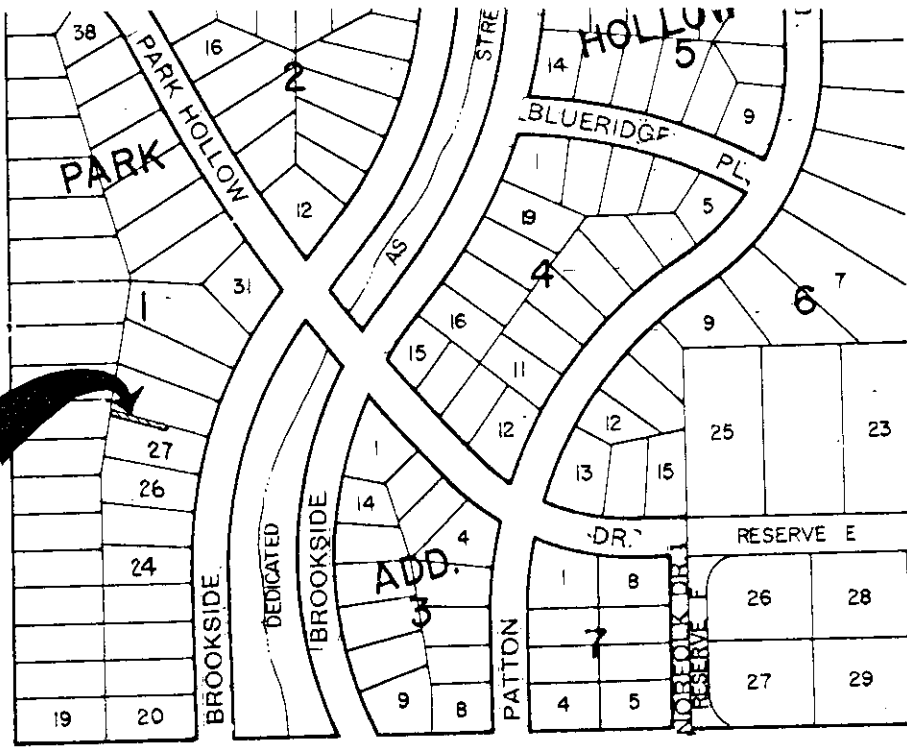
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EDGEMOOR



DOUGLAS



II. Application Filed 7/6/94
S/D Comm. Action 7/21/94

W.C.C. Action Approved 8-30-94

Bd. Co. Co. Action _____

M.A.P.C. Action 7-29-94

Order to Vacate Recorded October 5, 1994

Approved 11-0
Hancock did not vote