

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 12, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1874 REQUEST TO VACATE A PORTION OF A
UTILITY EASEMENT WEST OF MERIDIAN AND NORTH OF
KEYWEST
(District #6)

INITIATED BY: Metropolitan Area Planning Department

M. Krut

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a utility easement.

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

Background: The applicant is requesting the vacation of a portion of this easement in order to provide additional buildable area. A sanitary sewer line is located in this easement, but is in the southern half and according to the City Engineer will not be impacted by the portion being vacated. Additional utility easement is also available on the lot to the south, and the utility representatives of the Subdivision Committee sufficient easement will still be available following the vacation. 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

FILE COPY

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

IN THE MATTER OF THE VACATION OF)	
A PORTION OF A UTILITY EASEMENT)	
)	
GENERALLY LOCATED WEST OF MERIDIAN)	Case No. V-1874
AND NORTH OF KEYWEST)	
)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 12TH day of July, 1994, comes on for hearing the petition for vacation filed by Brad Bachman, Agent, praying for the vacation of the following described portion of a utility easement, to-wit:

The north 10 feet of the 20 foot utility easement platted along the south property line of Lot 6, Block 1, The Moorings 5th Addition to Wichita, Sedgwick County, Kansas except the easterly 20 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 7/1/94 + 7/8/94.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a 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 portion of a utility easement described herein should be approved.

8.00 *B*

P. J. Ch. h.

Vacation Order
V - 1874

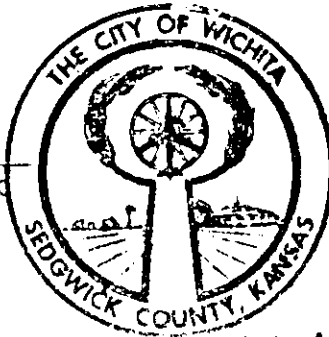
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of July, 1994, ordered that the above-described portion of a utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of 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)

Cheryl Holloway, 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 July 14, 1994

Cheryl Holloway Deputy City Clerk



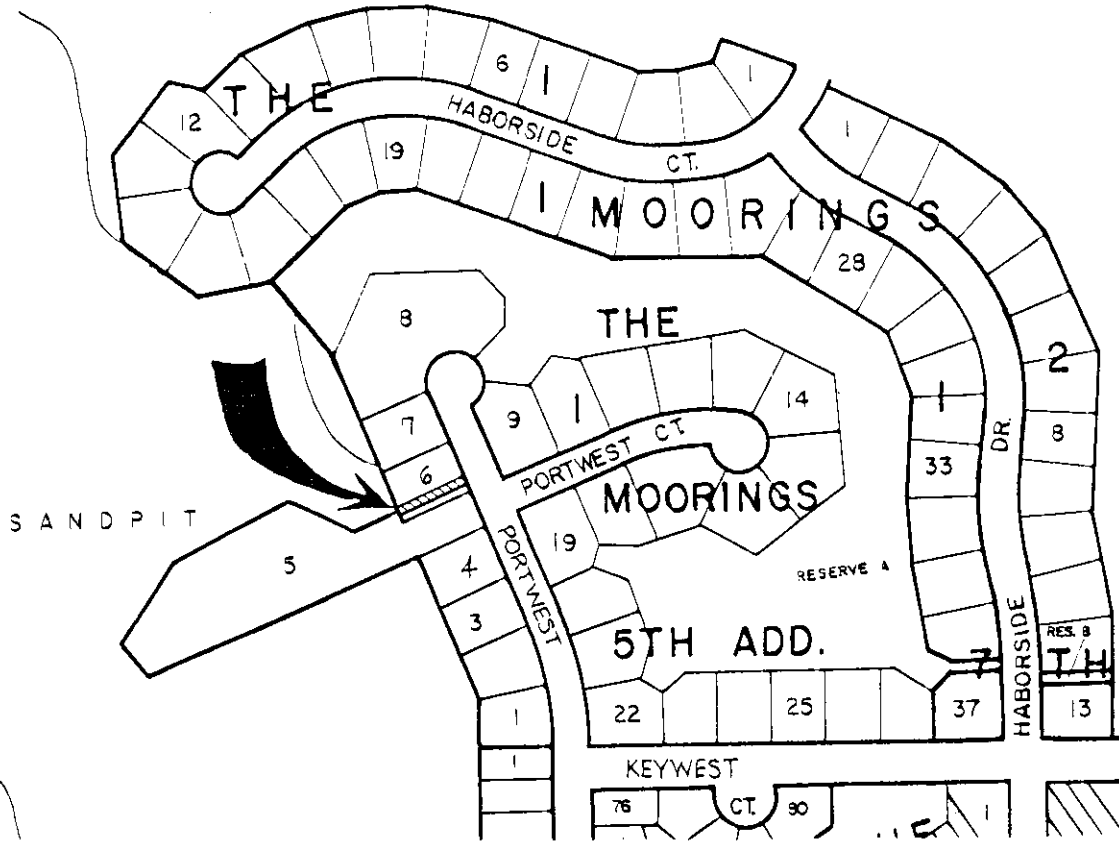
STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT

MICROFILMED
OF RECORD

AUG 23 1994

NO. 1404680
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy



Application Filed 5/9/94

S/D Comm. Action 5/26/94

Approved (4-0)

M.A.P.C. Action >

6-2-94 Approved

W.C.C. Action 7-12-94 Approved

Bd. Co. Co. Action _____

Order to Vacate Recorded August 23, 1994