

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 29, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1872 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA NORTH OF DOUGLAS AND WEST OF ROCK,
(District #2)

INITIATED BY: Metropolitan Area Planning Department

McCrout

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: Plans by the applicant to build a bay window indicate that the window would encroach two (2) feet into a portion of a platted utility easement. No municipal facilities are in the easement. A KG&E line is located in the easement. However, KG&E has indicated that the two (2) foot area could be encroached upon (vacated) without impacting their line and consequently do not object to the limited vacation of a portion of the easement. 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 and authorize the Mayor to sign the Vacation Order; record a certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

WICHITA

Page 1 of 2
MICROFILMED
OF RECORD

FILED 553 PAGE 483

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)
)
GENERALLY LOCATED)
NORTH OF DOUGLAS AND)
WEST OF ROCK)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS)
SEDGWICK COUNTY) SS
FILED FOR RECORD AT)
Case No. V-1872-11:00 AM
1478961 & 20 W
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER



NOW on this 29th day of August, 1995, comes on for hearing the petition for vacation filed by John P. Hawkins, etux, praying for the vacation of the following described utility easement, to-wit:

The south two (2) feet of the North five (5) feet of the West thirty (30) feet of the East sixty (60) feet of Lot 16, Block 2, Rockwood 4th Addition, to Wichita, Kansas.

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 8/9/95 & 8/16/95.
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.
5. The vacation of the utility easement described herein should be approved.

City of Wichita - 125 East
Wichita, KS 67202
BCK

Vacation Order
V - 1872

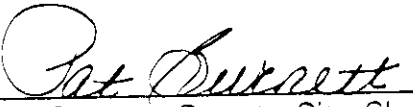
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 29th day of August, 1995 ordered that the above-described utility easement is hereby vacated. FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

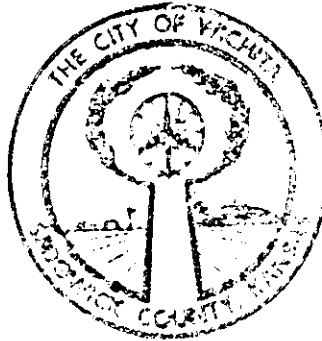


Bob Knight, Mayor

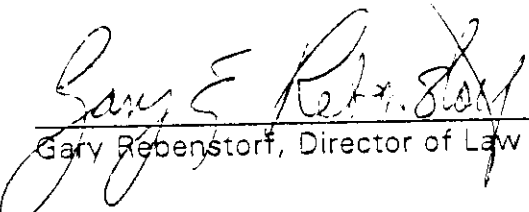
ATTEST:



Pat Burnett, Deputy City Clerk



Approved as to Form:



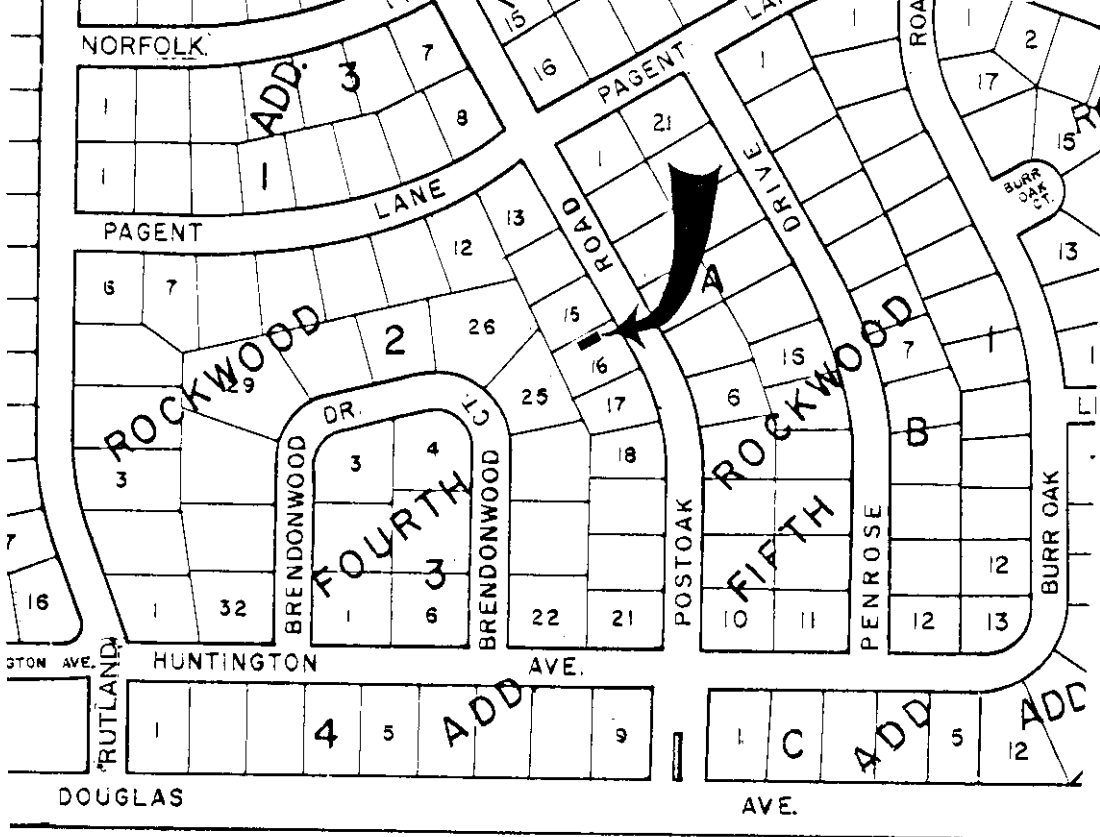
Gary Rebenstorf, Director of Law

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 the the City Clerk.

Given under my hand and seal of the City of Wichita, this Sept. 1, 1995
Tom Schneider Deputy City Clerk
TOM SCHNEIDER

Sketch.



Application Filed 5/9/94
 S/D Comm. Action 5/26/94

W.C.C. Action 8-29-95 *Approved*

Approved 4-0
 M.A.P.C. Action >6-2-94

Bd. Co. Co. Action _____

Approved 11-0

Order to Vacate Recorded September 20 1995
 Film 1553 Page 1481-