

Planning Agenda # _____

City of Wichita
City Council Meeting
June 14, 1994

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1870 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED AT THE NORTHEAST CORNER OF 47TH
STREET SOUTH AND BROADWAY
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

W. Krout

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (8-1)

Background: The applicant intends to build across a common lot line. Both City Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are located in the easement and no apparent future need exists for 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; 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)
UTILITY EASEMENT)
)
GENERALLY LOCATED AT THE NORTH-) Case No. V-1870
EAST CORNER OF 47TH STREET SOUTH)
AND BROADWAY)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 14TH day of June, 1994, comes on for hearing the petition for vacation filed by Homer Morgan, praying for the vacation of the following described utility easement, to-wit:

A utility easement described as: The south 5 feet of Lot 1, Block 2 together with the north 5 feet of Lot 2, Block 2, Morse Addition, Wichita, Kansas, except the east 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 5/27/94 & 6/3/94.
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

g.oo ck

City clerk

150029 2909

8 -

Vacation Order
V - 1870

Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of June, 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:

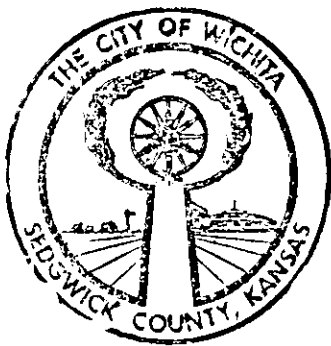
Gary Rebenstorf
Gary Rebenstorf, Director of Law



STATE OF KANSAS) ss
SEDGWICK COUNTY)
FILED FOR RECORD AT
8:00 A.M.

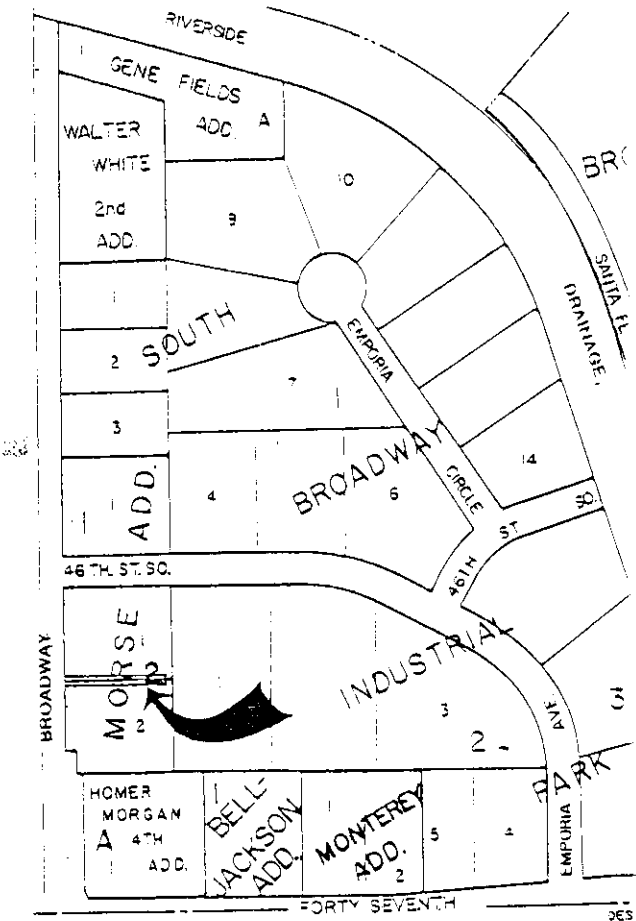
JUL 21 1994
NO. 1398242
PAT KETTLER
REGISTER OF DEEDS

Ed Broad
Deputy



State of Kansas)
Sedgwick County) ss
City of Wichita)
Lois Holbas 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 July 9, 1994
Lois Holbas Deputy City Clerk

Sketch.



Application Filed 4/25/94 W.C.C. Action Approved 6-14-94

S/D Comm. Action 5/12/94 _____

Approval (3-1) Res NO Bd. Co. Co. Action _____

M.A.P.C. Action > _____

5-19-94 Approval 8-1 Order to Vacate Recorded July 21, 1994