

Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
June 14, 1994**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1867 REQUEST TO VACATE A UTILITY  
EASEMENT LOCATED NORTH OF MACARTHUR AND EAST OF  
HYDRAULIC  
(District #3)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning

*W. Krowl*

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Staff Recommendation: Approve vacation of utility easement.

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

Background: While sanitary sewer was originally expected to be provided by a public line along this easement, the applicant is now planning to use a private line. City Engineering has agreed that a private sewer line can be used for this mobile home development and consequently, the public easement vacated. The utility representatives of the Subdivision Committee also indicated they had no need 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

This JUN 14 1994

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 ) Case No. V-1867  
 MACARTHUR AND EAST OF HYDRAULIC )  
 )  
 )  
MORE FULLY DESCRIBED BELOW )

VACATION ORDER

NOW on this 14th day of June, 1994, comes on for hearing the petition for vacation filed by Larry M. Womack for Mobile Home Living, Inc., praying for the vacation of the following described utility easement to wit:

The north 10 feet of Lot 1, Block 1, Lamplighter Mobile Home Park, Wichita, Sedgwick County, Kansas, except the east 10 feet and the west 10 feet thereof. (V-1867)

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

*S. Womack*

*City Clerk*

*150009 2909*

*8-*

Vacation Order  
V - 1867

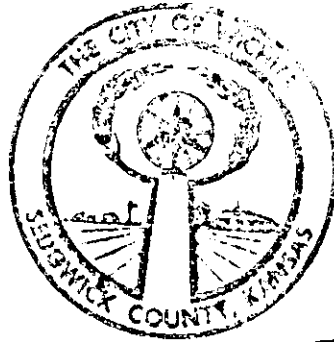
Page 2 of 2

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:

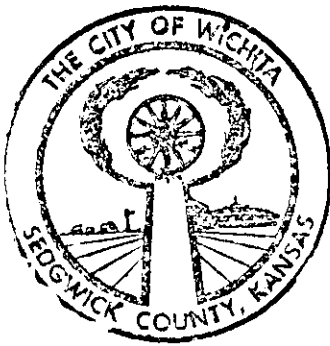
*Gary Rebenstorf*  
Gary Rebenstorf, Director of Law



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

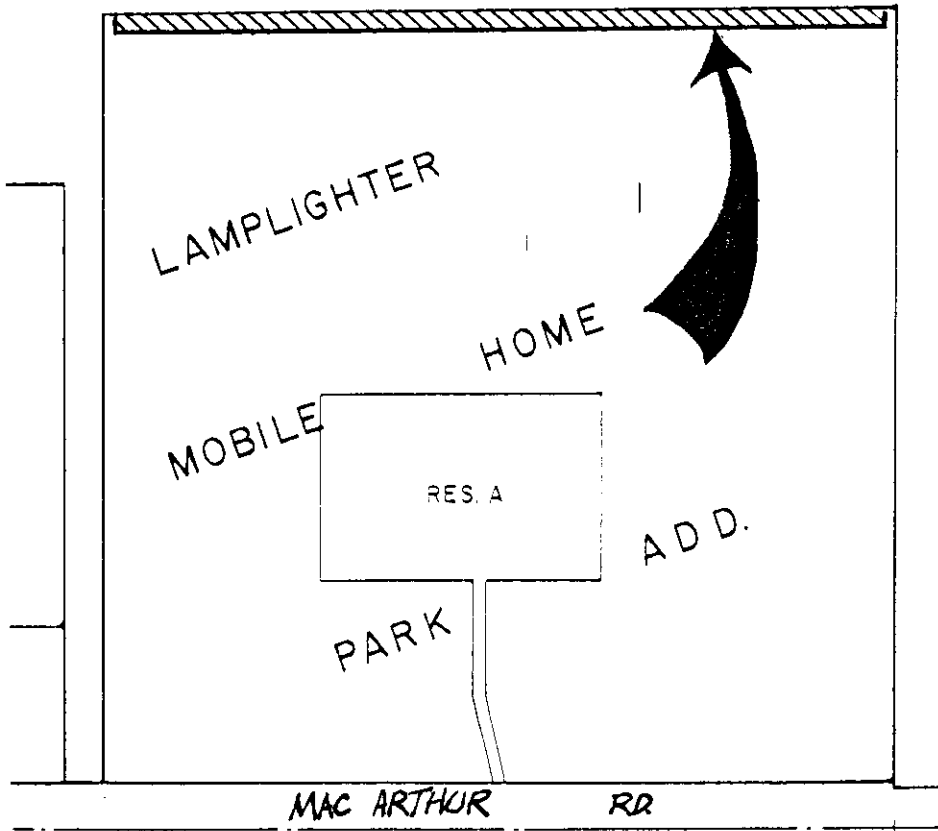
JUL 21 1994  
NO 1398240  
PAT KETTLER  
REGISTER OF DEEDS

*Ed Reed*  
Deputy



State of Kansas )  
Sedgwick County) ss  
City of Wichita )  
I, *Cheryl Housley* Deputy City Clerk of the City  
of Wichita, Kansas, hereby certify that the document  
to which this is attached 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 2, 1994  
*Cheryl Housley* Deputy City Clerk

Sketch.



Application Filed 4/8/94  
S/D Comm Action 4/28/94

W.C.C. Action 6-14-94 Approved

App.  
M.A.P.C. Action 5-5/94  
4/17

Bd. Co. Co. Action \_\_\_\_\_

Order to Vacate Recorded July 27, 1994