

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 21, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1959 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA EAST OF WOODLAWN AND SOUTH
OF 29TH STREET NORTH.
(District # 1)

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 desires to clear the title of a property which has a roof overhang extending 1.5 feet into a utility easement. The encroachment is located adjacent to a reserve which was platted for utilities, sidewalks, drainage and recreation purposes. City Engineering and the utility representatives of the Subdivision Committee have indicated that because of the adjacent reserve sufficient space is provided to service the existing utilities located in the easement and no harm should result due to this 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

COPY

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)

GENERALLY LOCATED)
EAST OF WOODLAWN AND SOUTH)
OF 29TH STREET NORTH)

MORE FULLY DESCRIBED BELOW)

Case No. V-1959

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

Orlando Hernandez
Deputy

8:30 a.
1532604 3-78

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 21st day of May, 1996, comes on for hearing the petition for vacation filed by Lawrence D. Garcia, praying for the vacation of the following described utility easement, to-wit:

The east 1.5 feet of the West 10 feet of the north 56.5 feet of the south 81 feet of Lot 1, Block 3, Waterford North Third Addition, an Addition to Wichita, Sedgwick County, 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 5/10/96 & 5/17/96
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.

COPY

Vacation Order
V - 1959

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of May, 1996, 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.

ATTEST:

Pat Burnett
Pat Burnett City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

COPY



State of Kansas)
Sedgwick County) ss
City of Wichita)

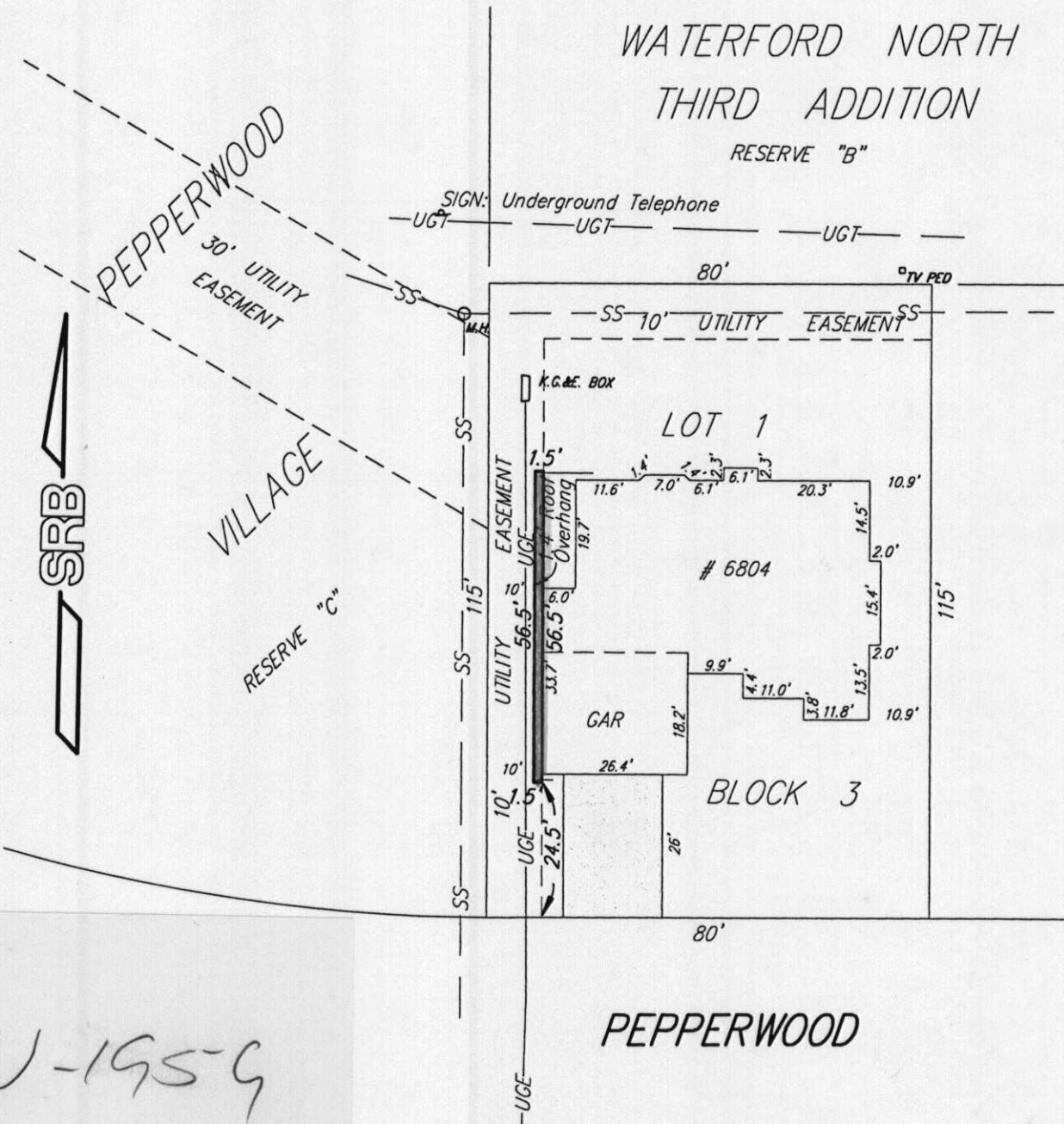
I, Pat Burnett City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office of the City Clerk. Given under my hand and seal of the City of

Wichita, this MAY 21 1996

Pat Burnett City Clerk

EXHIBIT OF EASEMENT VACATION

WATERFORD NORTH
THIRD ADDITION
RESERVE "B"



SRB

U-1959

PEPPERWOOD