

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

**City of Wichita  
City Council Meeting  
January 30, 1996**

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

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1938 REQUEST TO VACATE A UTILITY  
EASEMENT IN AN AREA APPROXIMATELY 750 FEET SOUTH  
OF KELLOGG AVENUE ON MAIZE ROAD.  
(District #5)

**INITIATED BY:** Metropolitan Area Planning Department



**AGENDA ACTION:** Planning

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**Staff Recommendation:** Approve vacation of utility easement.

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

**Background:** The applicant desires to vacate a utility easement in order to efficiently develop a building site. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the utilities to serve the site have been installed outside of the area of the easement being requested for vacation 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

This JAN 30 1996

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

IN THE MATTER OF THE VACATION OF UTILITY EASEMENT )
)
)
GENERALLY LOCATED )
APPROXIMATELY 750 FEET SOUTH OF )
KELLOGG AVENUE ON MAIZE ROAD )
)
)
MORE FULLY DESCRIBED BELOW )

Case No. V-1938

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

Handwritten signature: Deputy

10:00 a.m.

1506214 213 1/2

PAT KETTLER REGISTER OF DEEDS

VACATION ORDER

NOW on this 30th day of January, 1996, comes on for hearing the petition for vacation filed by Maize Avenue Inc., praying for the vacation of the following described utility easement, to-wit:

The north 10 feet and the west 10 feet of the north 182 feet of Lot 1, Block A, and the south 10 feet of the east 440 feet of Lot 2, Block A, and The east 10 feet of the north 182 feet of Lot 3, Block A, all in Maize Avenue 2nd Addition, 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 1/22/96 & 1/29/96
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.

COPY

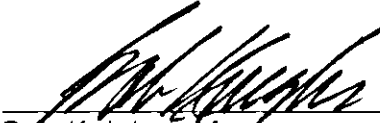
Vacation Order  
V - 1938

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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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of January, 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.


  
\_\_\_\_\_  
Bob Knight, Mayor

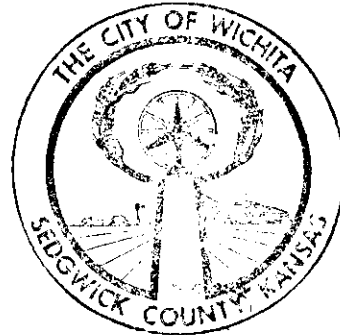
ATTEST:

  
\_\_\_\_\_  
Pat Burnett, Deputy City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



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

I, **Pat Burnett**, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is annexed 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 JAN 30 1996

  
\_\_\_\_\_  
Deputy City Clerk  
**PAT BURNETT**

NY NY US 54

LOFLAND  
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COASTAL  
MART  
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MILES  
COUNTRY 11  
WAY CENTER  
100

A.T. & S.F. RR

LARK



A

MAIZE AVENUE  
2ND  
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2  
1



3

MAIZE RD

CARR

CARR

