

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1937 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA SOUTH OF 34TH STREET NORTH AND
EAST OF ROCK ROAD.
(District # 2)

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 vacate a portion of an utility easement to provide additional buildable area on the involved lot in order to construct a building. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the utilities have been installed outside of the area of 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

This JAN 30 1996

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
SOUTH OF 37TH STREET NORTH
AND EAST OF ROCK RD.

MORE FULLY DESCRIBED BELOW

Case No. V-1937

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

10:00 AM

1506213 E 138

PAT KETTLER
REGISTER OF DEEDS

Phyllis Kernan
Deputy

VACATION ORDER

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

A tract of land lying in Lot 1, Block 5, STONEHEDGE, an addition to Wichita, Sedgwick County, Kansas said tract lying a portion of an Easement granted on Film 787, Page 1211, more particularly described as follows:
Commencing at the Southwest corner of said Lot 1, Block 5, STONEHEDGE, an addition to Wichita, Sedgwick County, Kansas;; thence N01°05'19"W, 388.20 feet along the West line of said addition: thence N89°07'21"E, 535.00 feet; thence N 89°07'21"E, 42.70 feet; thence N44°07'21"E, 97.93 feet; thence N 89°07'21"E, 134.43 feet; thence N 00°52'39"W, 171.00 feet to the point of beginning; thence N 00°52'39"W, 75.00 feet; thence N 56°02'53"E, 47.73 feet; thence S 00°52'39"E, 101.05 feet; thence S 89°07'21"W 40.00 feet to the point of beginning.

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 1/16/96 & 1/23/96

COPY

Vacation Order
V - 1937

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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.

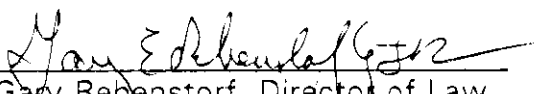
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of January, 1996, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

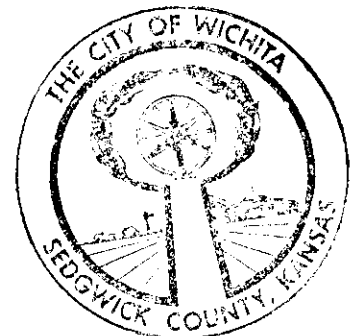

Bob Knight, Mayor

ATTEST:

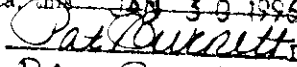

Pat Burnett, Deputy City Clerk

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 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 JAN 30 1996

PAT BURNETT Deputy City Clerk

15TH ST. NORTH

RESERVE

COMOTARA

BUSINESS

PARK

PARK

SECOND

14TH ST. DR.

14TH ST.

ST

12 ADDITION

COMOTARA

STONEHEDGE
4000

ROCK