

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

**City of Wichita  
City Council Meeting  
December 12, 1995**

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

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1932 REQUEST TO VACATE A UTILITY  
EASEMENT IN AN AREA SOUTH OF 13TH STREET NORTH AND WEST  
OF ROCK ROAD.

(District #2)

**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 wishes to reduce unneeded easement in order to provide additional area on the lot to install a swimming pool and other amenities. This site was platted in 1987 which involved a replat of a previous addition which resulted in providing an easement which was not necessary. City Engineering and the utility representatives of 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

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

IN THE MATTER OF THE VACATION OF )  
 UTILITY EASEMENT )  
 )  
 GENERALLY LOCATED ) Case No. V-1932  
 IN AN AREA SOUTH OF 13TH )  
 STREET NORTH AND WEST OF ROCK ROAD )  
 )  
MORE FULLY DESCRIBED BELOW )

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VACATION ORDER

NOW on this 12th day of December, 1995, comes on for hearing the petition for vacation filed by Teresa G. Briggs, praying for the vacation of the following described utility easement, to-wit:

a portion of a utility easement in Lot 6, Block 3, Fairfield Estates 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the rear corner common to Lots 5 and 6, Block 3, in said Fairfield Estates 2nd Addition, thence S79°54'31"W along the lot line common to said Lots 5 and 6, 16.41 feet for a place of beginning; thence continuing S79°54'31"W along said common lot line, 3.13 feet to the westerly line of a utility easement as platted in said Fairfield Estates 2nd Addition; thence S05°57'54"W along said easement line, 179.69 feet to a point on the north line of a 10 foot K.G.&E. easement (Film 1074, Page 1161), said point being N89°34'05"W, 37.91 feet from the east line of said Lot 6 as measured along said north K.G.&E. easement line; thence S89°34'05"E along said north K.G.&E. easement line, 15.96 feet; thence N01°51'04", 179.48 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 12/1/95 - 12/8/95

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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.

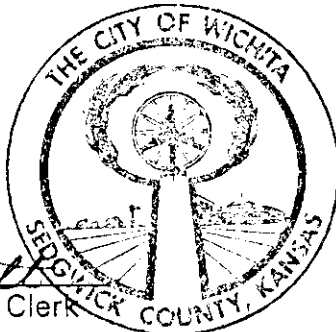
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of December, 1995, 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, Deputy City Clerk



Bob Knight  
Mayor

STATE OF KANSAS )  
SEDGWICK COUNTY )  
FILED FOR RECORD AT  
11:00 A.M.

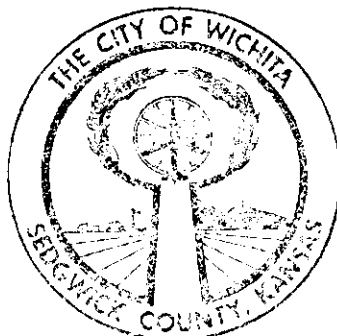
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PAT KETTLER  
REGISTER OF DEEDS

Cynthia Hernandez  
Deputy

Approved as to Form:

Gary E. Rebenstorf  
Gary Rebenstorf, Director of Law



State of Kansas )  
Sedgwick County) at  
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 DEC 12 1995

Pat Burnett Deputy City Clerk

