

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 8, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1926 REQUEST TO VACATE A UTILITY
EASEMENT SOUTH OF 45TH STREET NORTH AND EAST OF
ROCK RD.
(District #2)

INITIATED BY: Metropolitan Area Planning Department *not by*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: A small portion of a planned house would encroach a platted side yard utility easement. In order to properly position the planned house, the applicant is requesting to vacate the involved portion of utility easement. To offset the area being vacated, additional easement is being granted by separate instrument. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the vacation and substitute easement would be acceptable. 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: Accept the utility easement; close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order, and utility easement recording costs to be billed to: 150029-2909

7 COPY

Approved / Accepted By City Council

AUG 8 1995

This _____

Page 1 of 2

MICROFILMED
OF RECORD

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



IN THE MATTER OF THE VACATION OF
A UTILITY EASEMENT

GENERALLY LOCATED EAST OF ROCK ROAD
AND SOUTH OF 45TH STREET NORTH

Case No. V-1926

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

3:00 P.M.

MORE FULLY DESCRIBED BELOW

1473712 225

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 8th day of August, 1995, comes on for hearing the petition for vacation filed by John and Carolyn Bell and Leewood Homes, Inc., praying for the vacation of the following described utility easement, to-wit:

A tract of land lying in Lot 56, Block 3, WILLOWBEND SECOND ADDITION, an addition to Wichita, Sedgwick County, Kansas, more particularly described as follows:

Beginning at a point lying at the intersection of the 10 foot and 5 foot Utility Easements located within said Lot 56; thence N 85° 14' 21" W, 2.57 feet parallel and 10 foot North of the South line of said Lot 56; thence N 34° 14' 33" W, 17.64 feet parallel and 3 foot Easterly of the Westerly line of said Lot 56; thence S 89° 38' 30" W, 1.89 feet; thence N 00° 21' 32" W, 2.81 feet; thence N 34° 14' 33" W, 18.22 feet; thence N 00° 21' 34" W, 3.59 feet to a point lying 5 foot East of said Westerly line; thence S 34° 14' 32" E, 43.84 feet parallel and 5 foot East of said Westerly line 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 7-28-95 & 8-4-95.

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.

Vacation Order
V - 1926

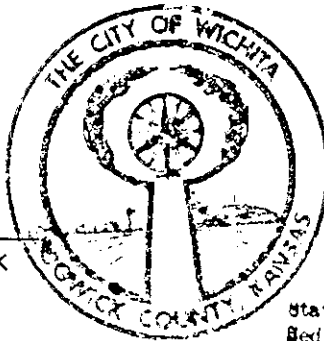
Page 2 of 2

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.

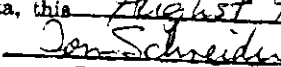
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of August, 1995, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

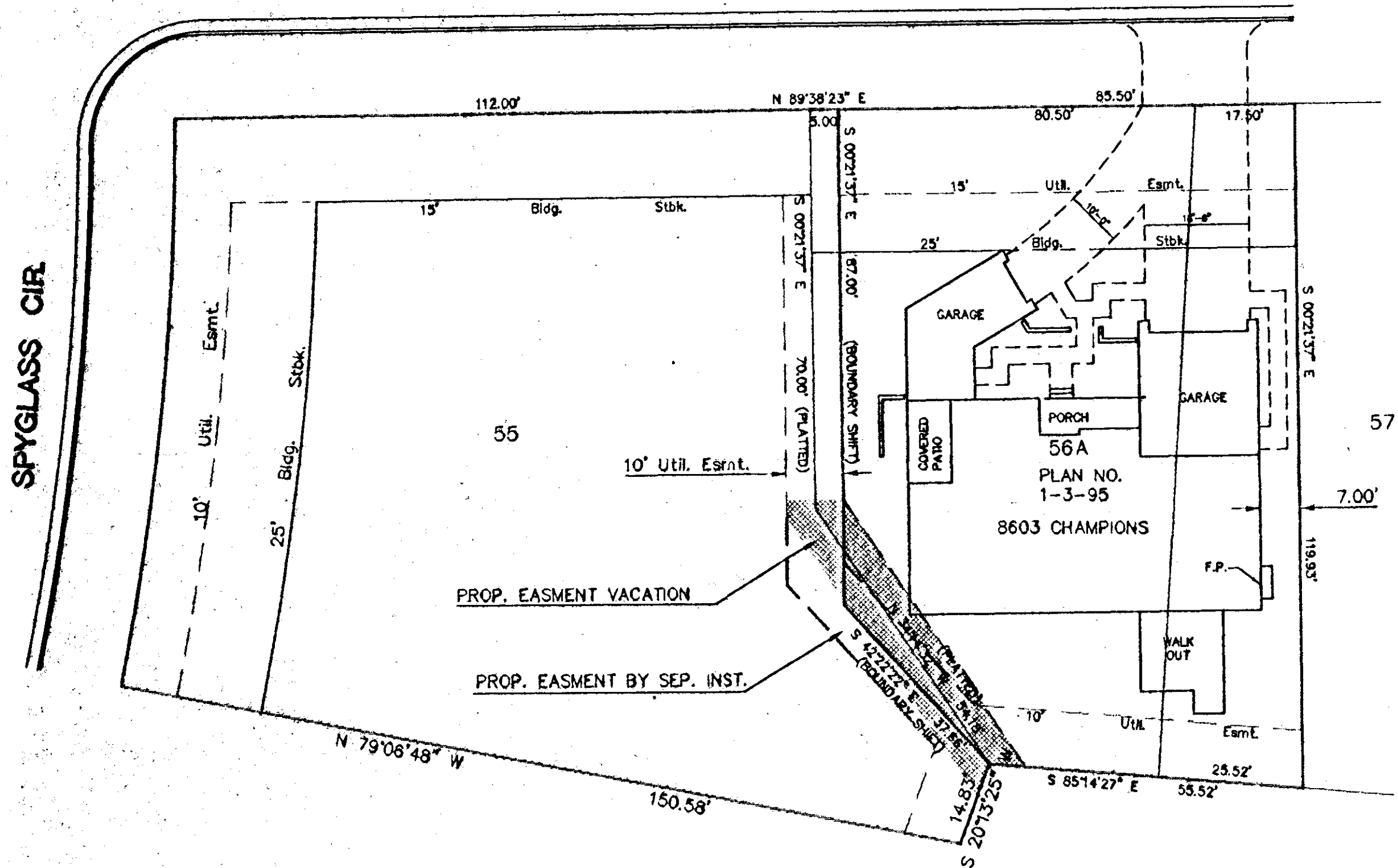

Pat Burnett, Deputy City Clerk




Bob Knight, Mayor

State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Tom Schneider, 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 August 9, 1995

Tom Schneider, Deputy City Clerk

CHAMPIONS



WILLOWBEND SECOND ADDITION
LOT 55A, BLOCK 3

WILLOWBEND SECOND ADDITION
LOT 58A, BLOCK 3 (REVISED 7/3/95)