

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 4, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2005 REQUEST TO VACATE UTILITY
EASEMENT/BUILDING SETBACK LOCATED IN AN AREA NORTH OF
PAWNEE AND EAST OF MAIZE ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement/building setback.

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

Background: The applicant wishes to vacate a portion of a platted building setback/utility easement in order to clear the title to this property. The house on this lot was inadvertently constructed approximately 2 feet into the front yard setback. City Engineering and the utility representatives of the Subdivision Committee indicated that no utilities are impacted by the vacation. No members of the public addressed MAPC in opposition to this request.

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

FILED 679 PAGE 0542

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT/BUILDING SETBACK

GENERALLY LOCATED
NORTH OF PAWNEE AND EAST OF
MAIZE ROAD

MORE FULLY DESCRIBED BELOW

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Case No. V-2005



STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

10:00 AM

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LARRY CONSOLVER
REGISTER OF DEEDS

Diana M. [Signature]
Deputy

VACATION ORDER

NOW on this 4th day of February, 1997, comes on for hearing the petition for vacation filed by Randal C. & Tosha L. McKinley, praying for the vacation of the following described utility easement/building setback, to-wit:

East three (3) feet of the south sixty-five (65) feet of the platted utility easement/building setback of Lot 39, Block 1, Prairie Woods addition, Wichita, 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 _____.

2. No private rights will be injured or endangered by the vacation of the above-described utility easement/building setback, 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/building setback described herein should be approved.

3.00
ck

City Hall - City Clerk

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150029

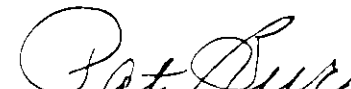
Vacation Order
V - 2005

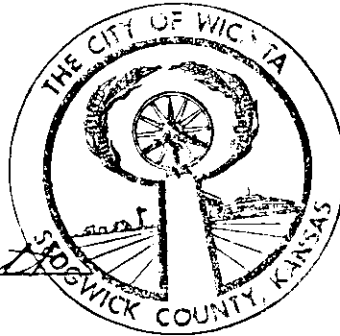
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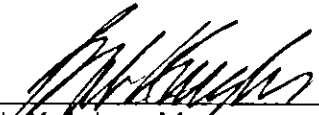
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of February, 1997, ordered that the above-described utility easement/building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

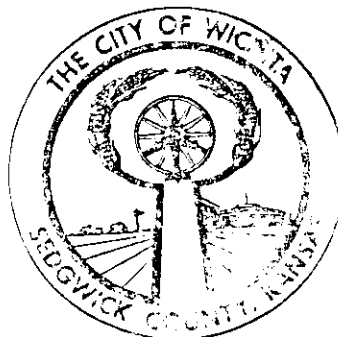

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



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 FEB 4 1997
 City Clerk

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PAWNEE

MAIZE RD