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Planning Agenda # _____

**City of Wichita
City Council Meeting
September 10, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1977 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED IN AN AREA NORTH OF DOUGLAS AND EAST OF HILLSIDE.
(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, Grace Presbyterian Church, is requesting the vacation of a utility easement to allow for a building expansion. A new sewer easement has been dedicated to accommodate the new development. Since certain lots on the site will no longer have direct access to a sewer line, the applicant was required and has provided a restrictive covenant that ties the lots together such that no lot(s) can be sold separately unless sewer is again made directly available. 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 (previously recorded) and restrictive covenant 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 the restrictive covenant; recording costs to be billed to: 150029-2909

COPY This SEP 10 1996

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)
)
GENERALLY LOCATED)
NORTH OF DOUGLAS AND)
EAST OF HILLSIDE)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-1977

SEP 10 1996
FILED FOR RECORD AT
430p
1561307 8-30
PAT KETTLER
REGISTER OF DEEDS
[Signature]

VACATION ORDER

NOW on this 10th day of September, 1996, comes on for hearing the petition for vacation filed by Grace Presbyterian Church, praying for the vacation of the following described access control, to-wit:

A twenty foot (20') wide easement, the center of said easement being described as follows:
Beginning at a point 10 feet east and 235 feet north of the southwest corner of Lot 11, Block 2, Strieff Place, Sedgwick County, Kansas; thence northeasterly 35 feet to a point 266 feet north and 26 feet east of the southwest corner of said Lot 11; thence northeasterly 110 feet more or less to a point 290 feet north and 131 feet east of the southwest corner of said Lot 11.

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 8/23/96 & 8/30/96.
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.

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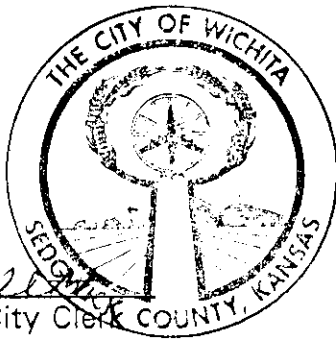
Vacation Order
V - 1977

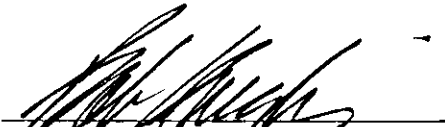
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4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.


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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September, 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

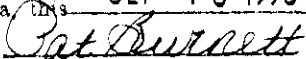
ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

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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 SEP 10 1996
 City Clerk



