

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 14, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2092 REQUEST TO VACATE 10 FOOT UTILITY EASEMENT LOCATED IN AN AREA EAST OF MAIZE ROAD AND SOUTH OF MAPLE STREET. (638 WETMORE)
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M/K/OUT

Staff Recommendation: Approve vacation of 10 foot utility easement.

MAPC Recommendation: Approve vacation of 10 foot utility easement. (unanimous)

Background: The existing home was originally constructed into the 10 foot utility easement. In order to place an addition onto this home the applicant must vacate the utility easement. All utilities are located in the platted reserve area, just east of the site.

The Subdivision committee and MAPC both voted unanimously to approve the requested vacation of the drainage and utility easement. No neighbors spoke in opposition to this request.

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.

17' 378 AU 138
Approved / Accepted By City Council
This JUL 14 1998

FILM 816 PAGE 2552
CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

IN THE MATTER OF THE VACATION OF)
10' UTILITY EASEMENT)
)
GENERALLY LOCATED)
EAST OF MAIZE ROAD AND SOUTH OF)
MAPLE STREET (638 WETMORE))
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2092



STATE OF KANSAS) ss
JUL 13 4 17 PM '98
REG. W. L. REDMOND

MICROFILMED
OF RECORD

VACATION ORDER

Pat H. Galt
Deputy

NOW on this 14th day of July, 1998, comes on for hearing the petition for vacation filed by Bob Redmond, praying for the vacation of the following described 10' utility easement, to-wit:

The 10' utility easement, platted in Lot 9, Block C, The Dell, Sedgwick County, Kansas, except the north 5' thereof.

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 one time 6-19-98, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described 10' 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 10' utility easement described herein should be approved, subject to the following condition:
 - A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

RETURN ABOVE

S. C. K

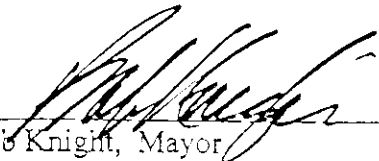
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Vacation Order
V - 2092

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of July, 1998, ordered that the above-described 10' 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, City Clerk

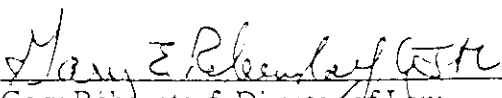
(State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett, City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this JUL 14 1998

Approved as to Form:

City Clerk


Gary Rebenstorf, Director of Law



