

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2073 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA NORTH OF KELLOGG BETWEEN KESSLER
STREET AND KNIGHT STREET.
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kloub

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant is requesting to vacate an unused utility easement which lies under existing buildings and a swimming pool at the Lodge Apartments. The applicant has complied with all of the conditions set forth by the MAPC. City Engineering has indicated that this vacation of the utility easement is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

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: 150003-2909

687935 E-58
Approved / Accepted By City Council
This APR 14 1998

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

**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 KELLOGG BETWEEN KESSLER)
STREET AND KNIGHT STREET)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS) ss
SEDGWICK COUNTY)

Case No. V-2073

Mar 5 4 40 PM '98



[Signature]
Deputy

VACATION ORDER

NOW on this 14th day of April, 1998, comes on for hearing the petition for vacation filed by Clark Real Estate Investment Co., Attn: Stephen L. Clark, praying for the vacation of the following described utility easement, to-wit:

The east 5 feet of Lots 11, 12 and 13, and the west 5 feet of Lots 28 and 29, Block 4, Eureka Gardens, Sedgwick County, Kansas, TOGETHER with the east 5 feet of Lot 10 and the west 5 feet of Lot 27, in said Block 4, EXCEPT the north 13 feet 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 3-19-1998, 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 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, subject to the following conditions:
 - A) The applicant shall guarantee the relocation of the Southwestern Bell Cable, if one is found to be located in this easement.
 - B) Any relocation or reconstruction of any other utilities made necessary by this vacation shall be the responsibility of the applicant.

MICROFILMED
OF RECORD

City Clerk

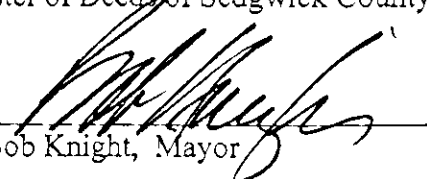
8.00 cl

8

Vacation Order
V - 2073

Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of April, 1998,
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

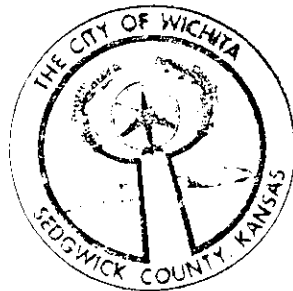
ATTEST:


Pat Burnett, City Clerk



Approved as to Form:



Gary Reberstorf, Director of Law



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

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 orig-
inal on file in my office.


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

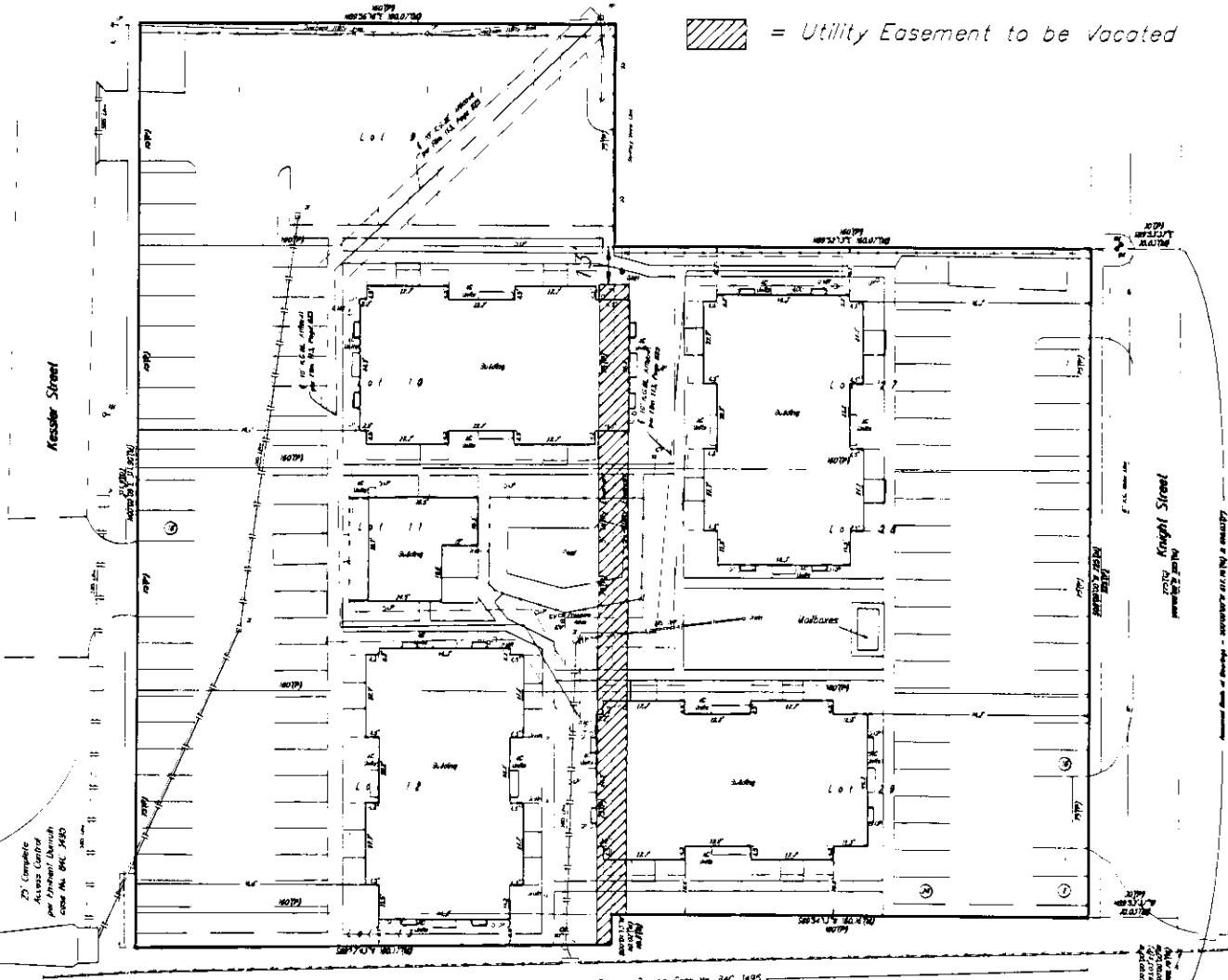
APR 17 1998
 City Clerk

EXHIBIT



Scale 1" = 60'

 = Utility Easement to be Vacated



Complete Access Control per Tribunal Decision Case No. 84C 3485
Kellogg Avenue (U.S. Highway 54)

Surveyed by
Date

Approved Date of Drawing - 10/20/84
Drawing No. 84C 3485