

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1309 VACATION OF A PORTION OF A PLATTED UTILITY EASEMENT
AND BUILDING SETBACK GENERALLY LOCATED ON THE WEST SIDE OF
COVINGTON CIRCLE IN AN AREA NORTH OF PONDEROSA.

NOTE: The City Clerk will certify as to proper publication of notice of hearing and filing of written protest.

A petition for the above identified vacation request has been filed in the office of the City Clerk. The Planning Commission recommends that the Board of City Commissioners find that no private rights will be injured or endangered and the public will suffer no loss or inconvenience by granting by order the vacation request subject to:

- A. Proper publication of notice of public hearing.
- B. The absence of proper written protest filed with the City Clerk.
- C. All proceedings being without cost to the City, County, or any utility company.
- D. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.
- E. The vacation order shall except out the south five feet of the utility easement from the vacation request.
- F. The applicant shall contact a private engineering firm to locate, in the field, the sanitary sewer main which exists in the subject utility easement. This information shall be submitted to the City Engineer's office for evaluation. Sufficient utility easement shall be retained in order to maintain a 15-foot easement from the sewer main.

Bayouth moved, Coebel seconded and it carried unanimously. Chisholm was absent. (1/24/85)

ACTION: Close the public hearing, approve the vacation request, authorize the Mayor to sign the vacation order and instruct the City Clerk to file a certified copy of the order with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: Utility Easement: The east 5 feet of the west 25 feet of Lot 17, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, except the south 5 feet thereof.

Building Setback: The west 5 feet of the east 25 feet of Lot 17, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas. (MAPC No. V-1309)

Applicant: Inland Investment Co., Inc.
 10300 West Central
 Wichita, Kansas 67212

Protestors: None before the Subdivision Committee or MAPC.

Comments: The south five feet of the utility easement has been excepted out of the vacation request as specified in item E above and the City Engineer has evaluated and approved the information required in item F above.

BEFORE THE BOARD OF CITY COMMISSIONERS
OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED UTILITY
EASEMENT AND BUILDING SETBACK
(MAPC NO. V-1309)
GENERALLY LOCATED ON THE WEST SIDE
OF COVINGTON CIRCLE IN AN AREA NORTH
OF PONDEROSA

MICROFILMED
OF RECORD
Approved by Board of Commissioners
this MAR 19 1985
STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM
MAR 29 1985

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NO. 7 38440
PAT KETTLER
REGISTER OF DEEDS

Ed Peral
Deputy

NOW on this 19th day of March, 1985, comes on for hearing the petition for vacation filed by Inland Investment Co., Inc., praying for the vacation of the following described portion of a platted utility easement and building setback, to-wit:

Utility Easement:

The east 5 feet of the west 25 feet of Lot 17, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas, except the south 5 feet thereof.

Building Setback:

The west 5 feet of the east 25 feet of Lot 17, Block 4, Briarwood Estates, Wichita, Sedgwick County, Kansas.
(MAPC No. V-1309)

The City Commission, 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 Record of notice of this vacation proceeding for consecutive weeks on MARCH 6-13, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described portion of a platted utility easement and 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 portion of a platted utility easement and building setback described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 19th day of March, 1985, ordered that the above-described portion of a platted utility easement and 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.

Robert G. Knight
Robert G. Knight, Mayor

ATTEST: *Donald C. Cisick*
Donald C. Cisick, City Clerk

Approved as to Form:
John Dekker
John Dekker, Director of Law
City Clerk

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THIRTEENTH

ST. N.

