

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1293 VACATION OF UTILITY EASEMENTS GENERALLY LOCATED ON THE
NORTHEAST CORNER OF MAPLE AND WEST STREET.

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. In order to prevent any of subject lots from being sold separately, and therefore, creating an ownership without access to a public utility easement, the applicant shall submit a covenant tying the ownership of the subject lots together. Said covenant shall prevent the selling of the lots independent of each other.
- F. The applicant shall make satisfactory arrangements with the Gas Service Company for relocation and abandonment of this company's gas line from the vacated utility easement.

Chisholm moved, Banzer seconded and it carried unanimously. Crockett and Moore were not yet present. Peters was absent. (9/20/84)

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 and the restrictive covenant with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The west 5 feet of the south 30 feet of Lot 3, and the east 8 feet of the south 30 feet of Lot 28, Block 2; and the west 5 feet of Lot 2, and the east 5 feet of Lot 29, Block 2; Westborough Addition, Wichita, Sedgwick County, Kansas. (MAPC No. V-1293)

Applicant: Roy Schoeb and Company, Inc.
Box 9
Cherokee, Oklahoma 73728

Protestors: None before the Subdivision Committee or MAPC.

Comments: In order to prevent lots effected by this vacation request from being sold separately, thereby creating ownerships with-out access to a public utility, the applicant was required to submit a covenant tying the ownership of subject lots together as indicated in item E above. An acceptable covenant has been submitted for recording with the vacation order which prevents the selling of the lots independent of each other. This vacation case was heard and approved by the Board of Wichita City Commissioners on November 13, 1984. It has been readvertised and returned for rehearing for the purpose of correcting an inadvertant error in the legal description previously used for publication and order preparation. There was no opposition to the request during the previous hearing.

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENTS (MAPC NO. V-1293)

GENERALLY LOCATED NORTH OF MAPLE
AND EAST OF WEST STREET

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners

this FEB 19 1985

CORRECTIVE VACATION ORDER*

WHEREAS on December 13, 1984 a vacation order was recorded on Film 699, Page No. 239 by the Sedgwick County Register of Deeds containing the following legal description:

The west 5 feet of the south 30 feet of Lot 3, and the east 8 feet of the south 30 feet of Lot 28, and the west 5 feet of Lot 2, and the east 5 feet of Lot 29, Westborough Addition, Wichita, Sedgwick County, Kansas. (MAPC No. V-1293)

SAID legal description contained an inadvertant error and is hereby rescinded and superceded by the following order of the Board of Wichita City Commissioners.

NOW on this 19th day of February, 1985, comes on for hearing the petition for vacation filed by Roy Schoeb and Company, Inc., praying for the vacation of the following described utility easements, to-wit:

The west 5 feet of the south 30 feet of Lot 3, and the east 8 feet of the south 30 feet of Lot 28, Block 2; and the west 5 feet of Lot 2, and the east 5 feet of Lot 29, Block 2; Westborough Addition, Wichita, Sedgwick County, Kansas. (MAPC No. V-1293)

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 proceedings for consecutive weeks on FEB 6 & 13, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described utility easements, 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 easements described herein should be approved.

6.00

City Clerk

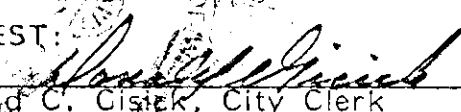
CORRECTIVE VACATION ORDER

Page two

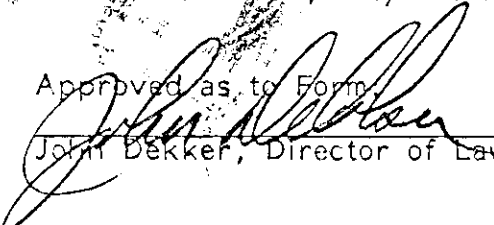
IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 19th day of February, 1985, ordered that the above-described utility easements is hereby vacated. IT IS FURTHER ORDERED that the vacation order filed December 13, 1984 and recorded on Film 699, Page No. 239 by the Sedgwick County Register of Deeds is hereby rescinded and superceded. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Robert C. Knight, Mayor

ATTEST:


Donald C. Cistek, City Clerk

Approved as to Form

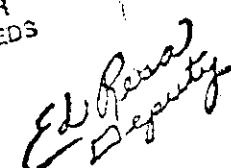

John Dekker, Director of Law

*NOTE: This vacation order supercedes a vacation order filed December 13, 1984 and recorded on Film 699, Page No. 239 by the Sedgwick County Register of Deeds.

STATE OF KANSAS } SS
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 AM

FEB 25 1985
NO. 7 33523
PAT KETTLER
REGISTER OF DEEDS

MICROFILMED
OF RECORD


Ed Rana
Deputy

ADD.

AL

ADD.

17

GO

DOUGLAS

AVE.

TROY
GRIFFIN
ADDCHARLES 2
JACKSONJOHN L. DAVIS
AND
PLACE
ADD.

16 15

ADD

28 3

30 29 2 1

ILLINOIS

DON DINNING 3RD. ADD.

McCOMAS

KESSLER'S

22 9

KESSLER

ST.

4 2

T.
MOORE
ADD.

5

PARY

8

MAYBERRY-LAWRENCE
SCHOOL ADD

MAPLE

AVE.

AVE.

ST.

RD.

AVE.

CHURCH

UNIVERSITY

DUGANS

PART OF