

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1278 - VACATION OF A 10-FOOT UTILITY EASEMENT GENERALLY LOCATED ON THE SOUTHEASTERLY SIDE OF GLENEAGLES DRIVE IN AN AREA NORTH OF PRESTWICK.

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 applicant shall dedicate by separate instrument a substitute utility easement to the north.

Bayouth moved, Goebel seconded and it carried unanimously. Banzer was absent. Gardner not yet present. (8-9-84)

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 with the Sedgwick County Register of Deeds.

VACATION CASE DATA

Legal Description: The 10-foot utility easement common to Lots 8 and 9, except the southerly 10 feet thereof, Block 5, Gleneagles 2nd Addition, Wichita, Kansas, (MAPC No. V-1278)

Applicant: Von M. Edens
148 Murifield, Wichita, Kansas, 67212

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has submitted by separate instrument the required substitute utility easement to the north. (D-1224).

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

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF A
UTILITY EASEMENT (MAPC NO. V-1278)

GENERALLY LOCATED ON THE SOUTH-
EASTERLY SIDE OF GLENEAGLES
DRIVE IN AN AREA NORTH OF
PRESTWICK

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS } 35
SEDGWICK COUNTY }
FILED FOR RECORD AT
2:30 PM

SEP 12 1984

NO. 7 11033
BETTE F. MCCART
REGISTER OF DEEDS

Ed. Peral
Deputy

VACATION ORDER

NOW on this 4th day of September, 1984, comes on for hearing
the petition for vacation filed by Von M. Edens praying for the vacation
of the following described utility easement, to-wit:

The 10-foot utility easement common to Lots 8 and 9,
except the southerly 10 feet thereof, Block 5, Glen-
eagles 2nd Addition, Wichita, Kansas. (MAPC No. V-1278)

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 re-
quired by law, by publication in the Daily Record of notice of this vaca-
tion proceedings for consecutive weeks on 8/22 & 29/84
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.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS,
on this 4th day of September, 1984, 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.

Robert C. Knight
Robert C. Knight, Mayor

ATTEST:

Donald C. Cisick
Donald C. Cisick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

city clerk

