

VACATION HEARING

RECOMMENDATION FROM MAPC TO BOARD OF CITY COMMISSIONERS

V-1313 VACATION OF A PLATTED UTILITY EASEMENT GENERALLY LOCATED ON THE WEST SIDE OF GARLAND IN AN AREA SOUTH OF 17TH STREET NORTH.

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. The applicant shall grant by separate instrument, the east 2½ feet of the west 10 feet of Lot 2, Block 3, Riverside Ranch Second Addition as additional utility easement.
- E. The vacation order shall exclude the vacation of the north 5 feet of the west 35 feet of the application area.
- F. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

Bayouth moved, Moore seconded and it carried unanimously. Wilson and Chisholm were absent. (3/7/85)

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: The north 7.5 feet of Lot 2, Block 3, Riverside Ranch Second Addition, Wichita, Sedgwick County, Kansas, except the north 5 feet of the west 35 feet thereof. (MAPC No. V-1313)

Applicant: Monty R. Jones
1741 Garland
Wichita, Kansas 67203

Protestors: None before the Subdivision Committee or MAPC.

Comments: The applicant has granted by separate instrument the additional utility easement specified in item D above. The vacation order excludes the north 5 feet of the west 35 feet from the application area as specified in item E above.

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

KANSAS FILED
OFFICE OF CITY CLERK
MAY 20 1985
Approved by Board of Commissioners
APR 02 1985

IN THE MATTER OF THE VACATION OF
A PLATTED UTILITY EASEMENT

GENERALLY LOCATED ON THE WEST SIDE
OF GARLAND IN AN AREA SOUTH OF 17TH
STREET NORTH (MAPC NO. V-1313)

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 2nd day of April, 1985, comes on for hearing the petition for vacation filed by Monty R. Jones, praying for the vacation of the following described platted utility easement, to-wit:

The north 7.5 feet of Lot 2, Block 3, Riverside Ranch Second Addition, Wichita, Sedgwick County, Kansas, except the north 5 feet of the west 35 feet thereof. (MAPC No. V-1313)

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 22 & 29, 1985.
2. No private rights will be injured or endangered by the vacation of the above-described platted utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner 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 platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE BOARD OF CITY COMMISSIONERS, on this 2nd day of April, 1985, ordered that the above-described platted 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.

R. C. Brown
R. C. BROWN, Mayor

ATTEST:

Donald C. Gisick
Donald C. Gisick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

City Clerk

STATE OF KANSAS } 25
SEDGWICK COUNTY }
FILED FOR RECORD AT
10:00 AM

MICROFILMED
OF RECORD

MAY 15 1985
NO. 7 45952
PAT KETTLER
REGISTER OF DEEDS

Ed P... Deputy

5.00

