

City of Wichita
City Commission Meeting
June 24, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1396 - REQUEST TO VACATE UTILITY EASEMENT, GENERALLY
LOCATED SOUTH OF PAWNEE, IN AN AREA EAST OF ST. PAUL.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Robert Cox, et al, B & B General Contractors, Inc., P.O. Box 17384, Wichita, KS 67217, are requesting this vacation to provide more buildable area.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. The applicant shall submit a signed vacation petition;
5. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant; and
6. The applicant shall submit a revised legal description for the Vacation Order, which encompasses the small portion of utility easement to the west of the advertised application area.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action:

Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to owner.

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

film 811 Page 802

IN THE MATTER OF THE VACATION OF UTILITY
EASEMENT.

GENERALLY LOCATED SOUTH OF PAWNEE, IN AN AREA
EAST OF ST. PAUL AVENUE. (V-1396)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
this JUN 24 1986

STATE OF KANSAS } 55
SEDGWICK COUNTY }
FILED FOR RECORD AT
8:00 A.M.

JUL 3 1986

8 16249

NO.
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

MICROFILMED
OF RECORD

Ed. Pasa
Deputy

NOW on this 24th day of June, 1986, comes on for hearing the petition for vacation filed by Robert Cox, praying for the vacation of the following described utility easement, to-wit:

Beginning at the northernmost northwest corner of Lot 1, Pawnee Square, an Addition to Wichita, Sedgwick County, Kansas; thence south, along the west line of said Lot 1, 120 feet; thence west, along the southernmost north line of said Lot 1, 5 feet; thence south, parallel with the west line of said Lot 1, 25 feet; thence east, parallel with the north line of said Lot 1, 15 feet; thence north, parallel with the west line of said Lot 1, 145 feet to the north line of said Lot 1; thence west, along the north line of said Lot 1, 10 feet to the place of beginning.

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 JUNE 11 & 18, 1986.

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 24th day of June, 1986, 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.

ATTEST:

Donald G. Giesick
Donald G. Giesick, City Clerk

Approved as to Form:

John Dekker
John Dekker, Director of Law

Tony Casado
Tony Casado, Mayor

city clerk

5.00

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FRED
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ST. PAUL

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