

City of Wichita
City Commission Meeting
May 27, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1389 - VACATION OF A PORTION OF A PLATTED UTILITY
EASEMENT, GENERALLY LOCATED EAST OF COOLIDGE, IN AN
AREA NORTH OF 13TH STREET NORTH

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Tracy Barnhart, 1440 Coolidge, Wichita, KS 67203 is requesting this vacation of utility easement in order to clear a building encroachment.

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. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
5. The applicant shall submit a signed vacation petition for this case; and
6. The applicant shall grant, by separate instrument, a 20-foot wide utility easement centered on the existing sewer line on this property. The legal description for this easement is to be prepared by City Engineering and shall not grant an outright easement over any portion of the property which is presently occupied by either the existing house or garage structure. A contingent easement shall be granted by the applicant where the needed 20-foot wide easement is encumbered by the existing garage. The contingency shall be based on removal of the garage.

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

Recommendations/Action:

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

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.

GENERALLY LOCATED EAST OF COOLIDGE, IN AN
AREA NORTH OF 13TH STREET NORTH. (V-1389)

MORE FULLY DESCRIBED BELOW

MICROFILMED
OF RECORD

STATE OF KANSAS } 53
SEDGWICK COUNTY }
FILED FOR RECORD AT
JUN 9 1986
NO. 8 10404
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy

VACATION ORDER

NOW on this 27th day of May, 1986, comes on for hearing the petition for vacation filed by Tracy D. Barnhart, praying for the vacation of the following described portion of platted utility easement, to-wit:

The 25-foot wide utility easement platted on the rear of Lot 6, Block C, Riverside Place, an addition to Wichita, Kansas except the northeasterly five (5) feet thereof.

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 MAY 14 & 21, 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 27th day of May, 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 C. Glick
Donald C. Glick, City Clerk

Tony Casado
Tony Casado, Mayor

Approved as to Form:

John Dekker
John Dekker, Director of Law

502 city clerk

50

lot
INTERURBAN R.R.
14

14

lot 15

79

DE CAMP	ADD
Reserve	

16

McKEE

8 RIVER 2nd 1
RIVERSIDE 13

WEAVER

71

12

COOLIDGE

~~SUPPLEMENTAL~~

PLACE

WOODR

AVE.

~~PLACE~~

WOODROW

Res
"A" 21

LIEUNETT

THIRTEENTH