

City of Wichita  
City Council Meeting  
November 10, 1987

Agenda Report # \_\_\_\_\_

TO: Mayor and City Council Members

SUBJECT: V-1497 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT,  
LOCATED ON THE EAST SIDE OF RUSHWOOD, IN AN AREA NORTH OF  
34TH STREET NORTH. (District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: This vacation case has been requested in order to provide more buildable lot area. The Utility Advisory Committee has verified that the portion of utility easement requested for vacation is not needed for existing or planned utilities. After vacation, a 17-foot utility easement will remain. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify 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:

755-68-360-50000-295-000-000

This NOV 10 1987

RECEIVED  
CITY CLERK  
NOV 7 1987

BEFORE THE CITY COUNCIL OF THE  
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF  
A PLATTED UTILITY EASEMENT.

GENERALLY LOCATED ON THE EAST SIDE OF  
RUSHWOOD, IN AN AREA NORTH OF 34TH  
STREET NORTH. (V-1497)

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }  
SEDGWICK COUNTY }  
FILED FOR RECORD AT  
8:00 AM  
NOV 30 1987  
NO. 9 20163  
PAT KETTLER  
REGISTER OF DEEDS

MICROFILMED  
OF RECORD

*Ed. Powell*  
*City Clerk*

VACATION ORDER

NOW on this 10th day of November, 1987, comes on for hearing the petition for vacation filed by Leewood Homes, Inc., praying for the vacation of the following described portion of a platted utility easement, to-wit:

The east 3 feet of the west 20 feet of Lot 35, Block 1, Willowood, an addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof. (V-1497)

The City Council, 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 10/28 & 11/4, 1987.
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 CITY COUNCIL, on this 10th day of November, 1987, 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 G. Knight*  
Robert G. Knight, Mayor

ATTEST:

*Dale E. Rea*  
Dale E. Rea, Deputy City Clerk

Approved as to Form:

*Thomas Powell*  
Thomas Powell, Interim Director of Law

State of Kansas )  
Sedgwick County ) ss  
Dale E. Rea, Deputy City Clerk of the City  
of Wichita, Kansas, hereby certify that the document  
therein described is a true and correct copy of  
the original on file in the City Clerk's  
office, and that the same is a true and correct copy of  
the original on file in the City of  
Wichita.  
NOV 13 1987  
*Dale E. Rea*  
Deputy City Clerk

5.00  
PL/7671/5

city clerk

