

City of Wichita
City Commission Meeting
April 21, 1987

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1444 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED IN AN AREA SOUTH OF WESTLAWN, WEST OF WEST STREET.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Glenn Davis, 1019 N. Armour, Wichita, KS 67206, is requesting this vacation to clear a building encroachment. That portion of the easement not being vacated is needed for a perpendicular easement.

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; and
4. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant.

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.

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

IN THE MATTER OF THE VACATION OF UTILITY
EASEMENT.

GENERALLY LOCATED IN AN AREA SOUTH OF
WESTLAWN, WEST OF WEST STREET. (V-1444)

MORE FULLY DESCRIBED BELOW

Approved by Board of Commissioners
this APR 21 1987

STATE OF KANSAS
SEDGWICK COUNTY }
FILED FOR RECORD AT

8:00 A.M.
MAY 8 1987

NO. 8 80365
PAT KETTLER
REGISTER OF DEEDS
MICROFILMED
OF RECORD

VACATION ORDER

*Ed Rea
Deputy*

NOW on this 21st day of April, 1987, comes on for hearing the petition for vacation filed by Glenn Davis, praying for the vacation of the following described utility easement, to-wit:

The ten-foot wide utility easement centered on the lot line common to Lots 3 and 4, Block 2, West Dale Addition to Wichita, Kansas, except the south 8 feet thereof. (V-1444)

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 APRIL 8 & 15, 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 BOARD OF CITY COMMISSIONERS, on this 21st day of April, 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.

ATTEST:

Robert G. Knight
ROBERT G. KNIGHT, Mayor

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

Approved as to Form:

Thomas Powell
Thomas Powell, Interim Director of Law

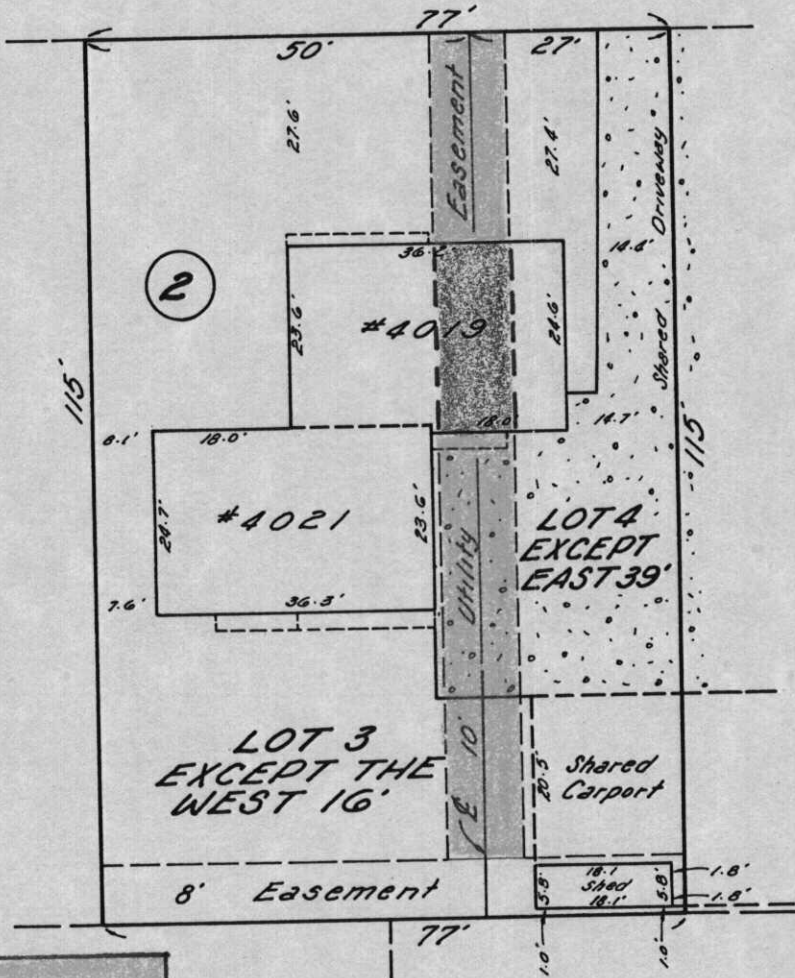
5.00

city clerk

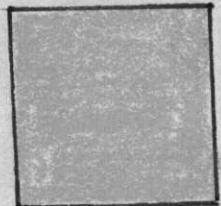
WESTLAWN STREET

30'

30'



FILE #P870337
12 FEBRUARY, 1987



EASEMENT TO BE VACATED



EXISTING ENCROACHMENT OVER
PORTION OF SUBJECT EASEMENT.