

Planning Agenda Item # _____

City of Wichita
City Council Meeting
April 18, 1989

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1576 REQUEST TO VACATE A PLATTED UTILITY EASEMENT SOUTH OF
13TH ST. NORTH AND EAST OF RIDGE ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant owns unplatted property adjacent to this platted site and wishes to remove the easement which bisects these properties. A substitute easement has been provided. City Engineering and the Utility Advisory Committee indicate that the vacation and substitute easement are acceptable. 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; and adopt dedication; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and dedication, recording costs to be billed to:

150029-2909

This APR 18 1989

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

IN THE MATTER OF THE VACATION OF)
A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED SOUTH OF 13TH STREET)
NORTH AND EAST OF RIDGE ROAD (V-1576))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of April, 1989, comes on for hearing the petition for vacation filed by Gary K. Edminster, praying for the vacation of the following described platted utility easement, to-wit:

The south 10 feet of Lot 1, Gary Edminster Addition, Wichita, Kansas.

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
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 east 20-feet of the above described legal description shall be retained as utility easement.
6. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of April, 1989, 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.

STATE OF KANSAS } SS
SEDGWICK COUNTY }
FILED FOR RECORD AT
12:30 PM

MAY 1 1989 1006619

PAT KETTLER
REGISTER OF DEEDS

Bob Knight
BOB KNIGHT Mayor

Ed Rea
Deputy

MICROFILMED
OF RECORD

ATTEST:

John Moir
John Moir, City Clerk

Approved as to Form

Thomas Powell
Thomas Powell, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Dale E. Rea, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in the office the the City Clerk. Given under my hand and seal of the City of

Wichita, this APR 28 1989
Dale E. Rea Deputy City Clerk

City Clerk

6-00
ca

