

City of Wichita  
City Council Meeting  
January 10, 1989

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

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1558 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY  
EASEMENT IN AN AREA EAST OF WEST STREET AND NORTH OF KELLOGG  
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of a utility easement.

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

Background: Planned development for a business at this site requires construction across a lot line presently encumbered by an easement for sanitary sewer. The applicant has already removed the sewer from the easement. Since vacation will leave a platted lot without access to sanitary sewer, a covenant has been obtained requiring the involved lots to be conveyed (if sold) as one parcel. 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 the certified copy of Order, recording costs to be billed to:

300210-9024.

STATE OF KANSAS By City Council  
SEDGWICK COUNTY, KS  
FILED JAN 10 1989

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

8:00 AM  
FEB 7 89 0933367

IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED UTILITY EASEMENT. )  
)  
GENERALLY LOCATED IN AN AREA EAST OF WEST )  
STREET AND NORTH OF KELLOGG (V-1558) )  
)  
MORE FULLY DESCRIBED BELOW )

PAT MULLER  
REGISTER OF DEEDS

*Ed [unclear]*

MICROFILMED  
OF RECORD

VACATION ORDER

NOW on this 10th day of January, 1989, comes on for hearing the petition for vacation filed by Raymond M. Hubbell, praying for the vacation of the following described portion of a platted utility easement, to-wit:

The north 10-feet of Lot 2 except the west 15-feet thereof, and the north 10-feet of Lot 3 except the east 20-feet thereof, all in the Parkway Addition to 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 vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of January, 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.



*John Moir*  
John Moir, Deputy City Clerk  
Approved as to Form:

*Thomas Powell*  
Thomas Powell, Director of Law

City Clerk

*S. Kamen*  
Sheldon Kamen, Mayor

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 as filed in the office of the City Clerk. My hand and seal of the City of Wichita, Kansas, this 10th day of January, 1989.

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

600

