

City of Wichita
City Council Meeting
March 1, 1988

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V-1518 - REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT, LOCATED IN AN AREA NORTH OF LOCKMOOR AND WEST OF SMITHMOOR. (District #2)

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: This vacation case has been requested in order to clear a "cloud" from the property's title caused by an existing building encroachment. The Utility Advisory Committee has verified that the one-foot wide portion of easement being vacated is not needed for existing or future public utilities. 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

B FORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

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

GENERALLY LOCATED ON THE NORTH SIDE OF
LOCKMOOR, IN AN AREA WEST OF SMITHMOOR.
(V-1518)

MORE FULLY DESCRIBED BELOW

Approved / Accepted By City Council
This MAR 1 1988

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
14:30 P M

APR 1 1988

9 39400

NO. PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

Ed Rea
Deputy

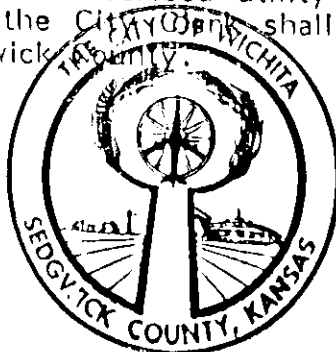
NOW on this 1st day of March, 1988, comes on for hearing the petition for vacation filed by Smith and Company, Inc., praying for the vacation of the following described portion of a utility easement, to-wit:

The east one-foot of the west five feet of Lot 3, Block 1,
Smithmoor First Addition, Wichita, Sedgwick County, Kansas,
except the north 20 feet and the south 10 feet thereof.
(V-1518)

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 FEB 17 & 24, 1988.
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 1st day of March, 1988, 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

State of Kansas)
Sedgwick County)
City of Wichita)
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 of the City Clerk.
Given under my hand and seal of the City of
Wichita, Kansas, APR 1 1988.
Dale E. Rea
Deputy City Clerk

city clerk

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SMITHMOOR

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