

Planning Agenda Item # _____

City of Wichita
City Council Meeting
April 9, 1991

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1702 - REQUEST TO VACATE A PLATTED UTILITY
EASEMENT; LOCATED NORTH OF KELLOGG AND WEST OF 119TH ST.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of platted utility easement.

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

Background: The applicant is requesting to vacate an easement sharing two common lot lines. Two substitute utility easements have been submitted for dedication. The City Engineer and the utility companies have indicated their approval of the vacation. 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, accept the dedications for utility easements; approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order and dedications, recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This APR 9 1991

STATE OF KANSAS }
SEDCWICK COUNTY }
FILED FOR RECORD }
12-30 P

MICROFILMED
OF RECORD

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

MAY 9 1991 1133864

IN THE MATTER OF THE VACATION OF)
A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED NORTH OF KELLOGG AND)
WEST OF 119TH STREET WEST. (V-1702))
)
)
MORE FULLY DESCRIBED BELOW)

PAT KETTLER
REGISTER OF DEEDS

Ed Bass
Deputy

VACATION ORDER

NOW on this 9th day of April, 1991, comes on for hearing the petition for vacation filed by Howard R. Moore, et al., praying for the vacation of the following described utility easement, to-wit:

The 16 foot wide easement lying 8 feet either side of the property line between Lots 3 and 4, Block 2, Wheatridge addition, Sedgwick County, Kansas, except the north 10 feet and the south 10 feet thereof. (V-1702)

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 Reporter of notice of this vacation proceeding for consecutive weeks on 3-27-91 + 4-3-91.
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.

800.k

City Clerk

Vacation Order
V-1702
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April, 1991, 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.




Bob Knight, Mayor

ATTEST:

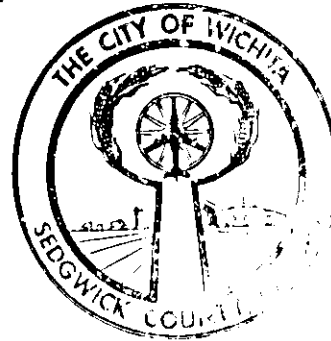


Pat Burnett, Deputy City Clerk

Approved as to Form:




Thomas Powell, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, PAT BURNETT, 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, this April 9, 1991
 Deputy City Clerk

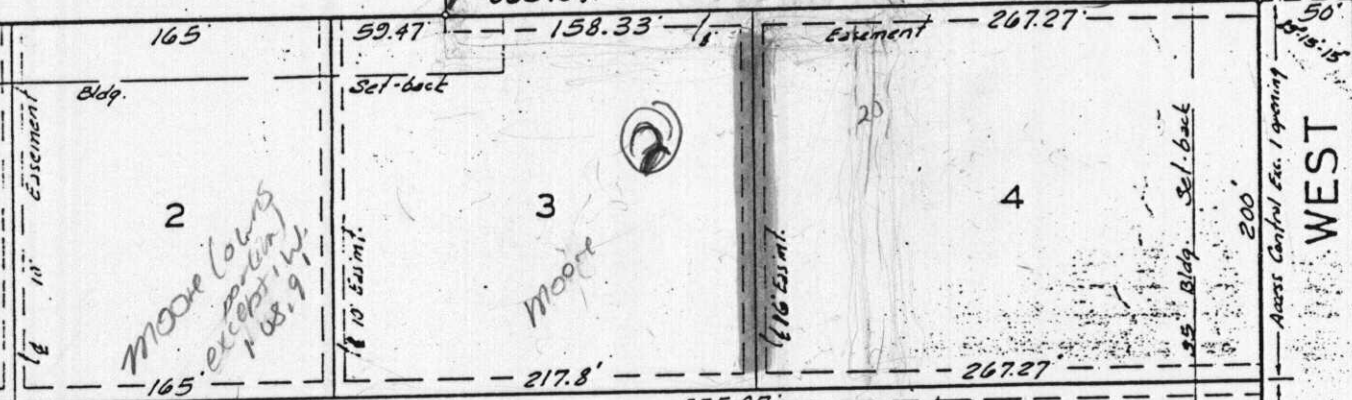


Bolton Gary
10'
Need another 2'
N end of Plat

See Cor. of
F&B Bolton

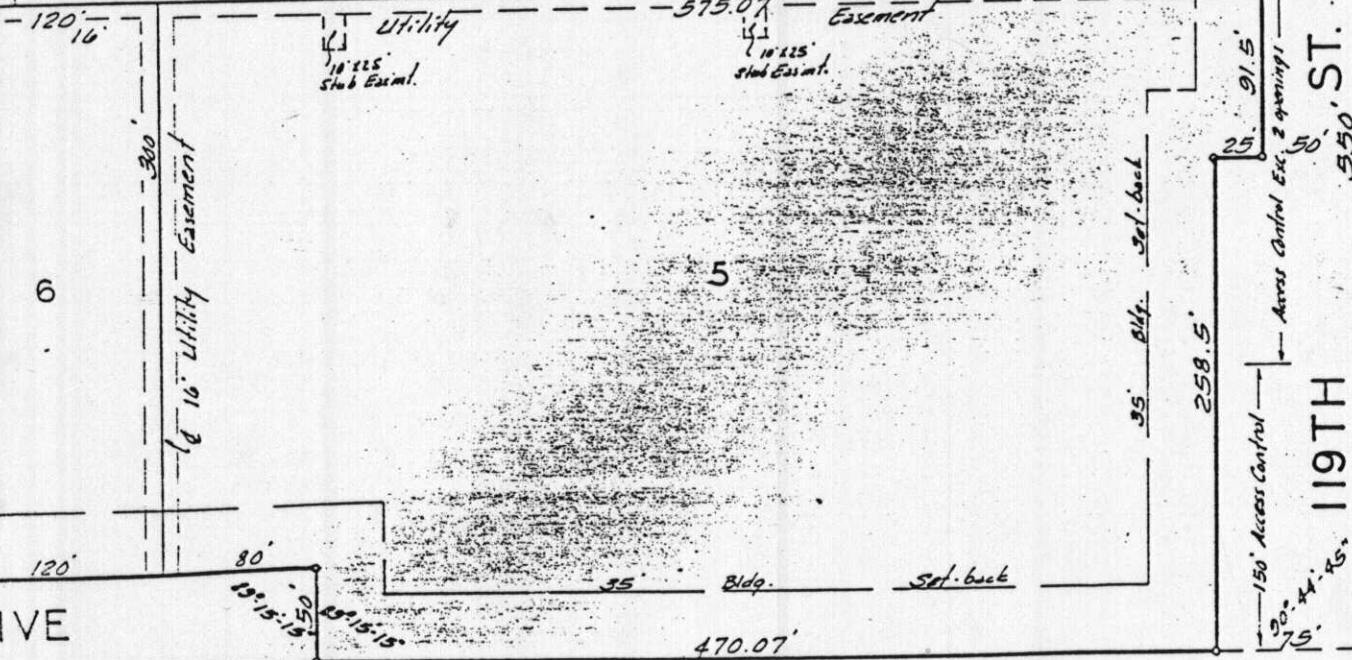
WHEATRIDGE
DRIVE
AVE.

865.07'



move (along
parking
except, w.
48.9')

Moore



Utility
10' 225'
Stub Easmt.

Easement
10' 225'
Stub Easmt.

IVE

80'
19' 15'-15'

470.07'

Access Control

WEST

119TH ST.

Access Control Eas. 1 opening
200'
25' Bldg. Set-back
Access Control Eas. 2 openings
258.5'
91.5'

150' Access Control
90'-74'-75'
75'

91.5'

S.E. Cor. St. 4 25-27-21d.

Kellogg