

Planning Agenda Item # \_\_\_\_\_

City of Wichita  
City Council Meeting  
June 16, 1992

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

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1765 REQUEST TO VACATE A UTILITY EASEMENT  
LOCATED SOUTH OF KELLOGG AND WEST OF TYLER ROAD  
(District #5)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

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Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant desires to free up additional space at the site for expansion of an existing building. Sanitary sewer is in this easement but only in a small section at the western end of the easement. Both City Engineering and the representatives of the utilities on the Subdivision and Utility Advisory Committee indicate that except for the area of the present sewer line, that the easement is not needed. For the area of the sewer line, City Engineering has requested that an easement be granted, which meets present day width standards. The applicant has submitted such an easement. 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: Accept the substitute utility easement; Close public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record utility easement and certified copy of Vacation Order; recording costs to be billed to:

150029-2909

Approved by the City Council

This JUN 16 1992

Page 1 of 2

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

IN THE MATTER OF THE VACATION OF a utility easement GENERALLY LOCATED south of Kellogg and west of Tyler Road (V-1765) MORE FULLY DESCRIBED BELOW

U-1765

VACATION ORDER

NOW on this 16th day of June, 1992, comes on for hearing the petition for vacation filed by Shailesh D. Bhakta, praying for the vacation of the following described utility easement, to-wit:

The 8-foot utility easement as platted along the south line of Lot 4, Block M, Westport Addition, Sedgwick County, 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 Reporter of notice of this vacation proceeding for consecutive weeks on 6-2-92 + 6-9-92.
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.

8.00 cl

City Clerk

150-2-17-1992

Vacation Order  
V-1765  
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1992, 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*  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:

*Pat Burnett*  
\_\_\_\_\_  
Pat Burnett, Deputy City Clerk

MICROFILMED  
OF RECORD

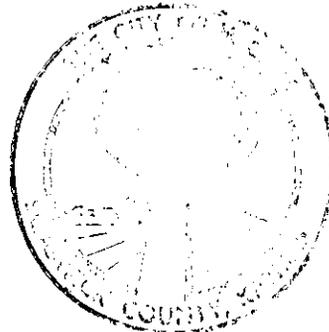
Approved as to Form:

*Gary E. Rebenstorf*  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law

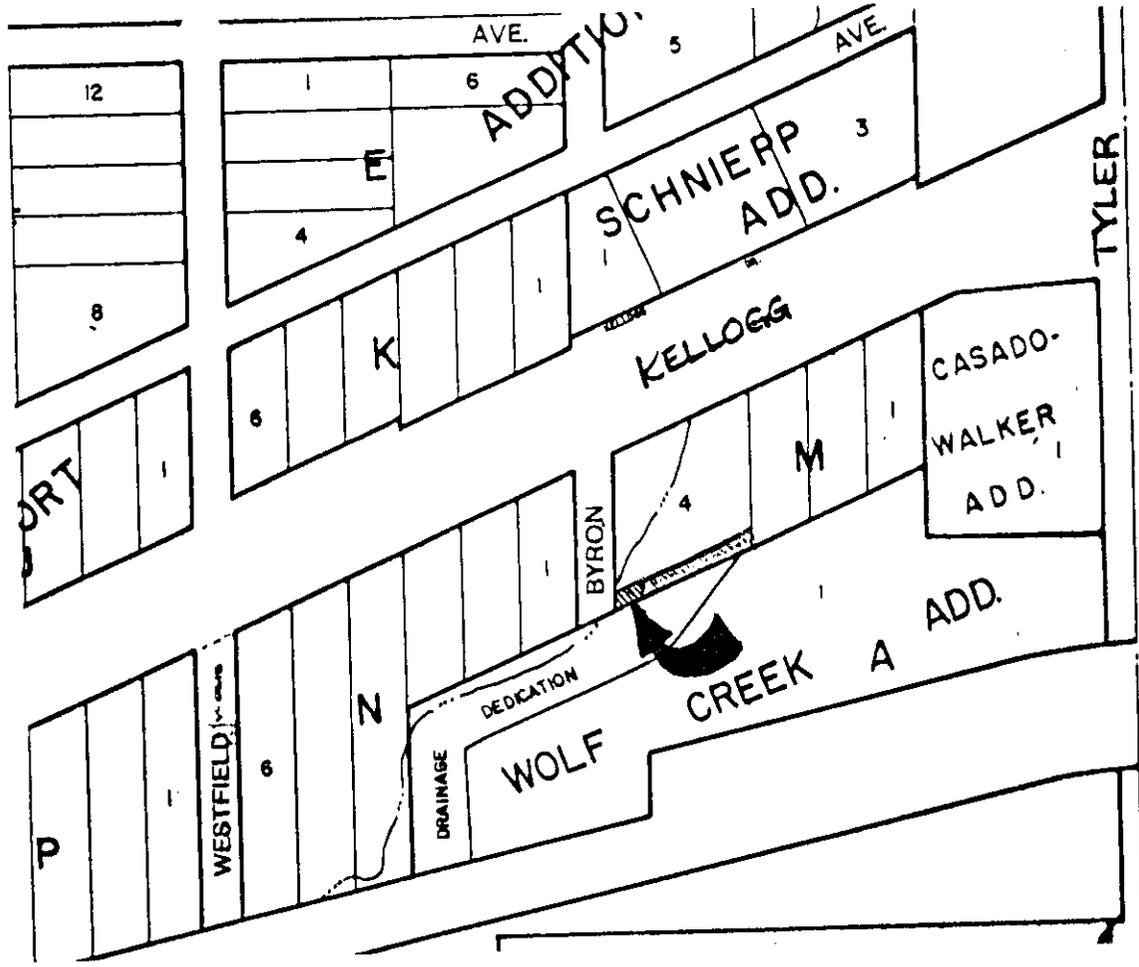
STATE OF KANSAS  
SEDGWICK COUNTY  
FILED  
8:00 a.m.  
JUL 23 1992 1224069  
PAT KETTLER  
REGISTER OF DEEDS

*Pat Kettler*

State of Kansas )  
Sedgwick County )  
City of Wichita )  
I, Pat Burnett Deputy City Clerk of the City  
of Wichita, Kansas, hereby certify that the document  
to which this attestation is a true and correct copy of  
the original as it appears in the office of the City Clerk.  
Given under my hand and seal of the City of  
Wichita, Kansas, this 16th day of June, 1992.  
*Pat Burnett* Deputy City Clerk



ketch.



Application Filed 4/22/92  
 S/D Comm. Action AP 5/14/92  
 M.A.P.C. Action 5/21/92

W.C.C. Action 6-16-92 approved  
 Bd. Co. Co. Action \_\_\_\_\_  
 Order to Vacate Recorded July 23  
1992