Planning Agenda Item #_____

City of Wichita
City Council Meeting
December 3, 1991

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: **PUBLIC HEARING V-1735 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED EAST OF HYDRAULIC AND SOUTH OF PAWNEE**
(District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of portion of utility easement.

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

Background: While this property (lot) is over 223 feet deep approximately the eastern 130 feet is encumbered by a utility easement. Standard utilities are located in the more or less 20 westerly feet of this easement, with a large, 60 inch sanitary sewer disposal line in the eastern portion. City Engineering and the utilities have agreed, however, that a central portion of this easement can be vacated to allow the applicant to construct a garage. 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:

150029-2909

FILM 1229 PAGE 0995

Approved / Accepted By City Council
This DEC 3 1991

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

IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED UTILITY EASEMENT.)
)
GENERALLY LOCATED EAST OF HYDRAULIC
AND SOUTH OF PAWNEE.)
(V-1735))
)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 3rd day of December, 1991, comes on for hearing the petition for vacation filed by Michelle W. Salazar, praying for the vacation of the following described utility easement, to-wit:

> The easement as platted on the rear of and adjacent to the east rear property line of lot 19, Block 2, Classen Parked Addition to Sedgwick County, Kansas; except the westerly 20 feet and easterly 50 feet thereof.

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 11-19-91 & 11-26-91.

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.

MICROFILMED OF RECORD

8.00 ck

City Clerk

Vacation Order
V-1735
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of December, 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:

Gary Rebenstorf, Director of Law

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

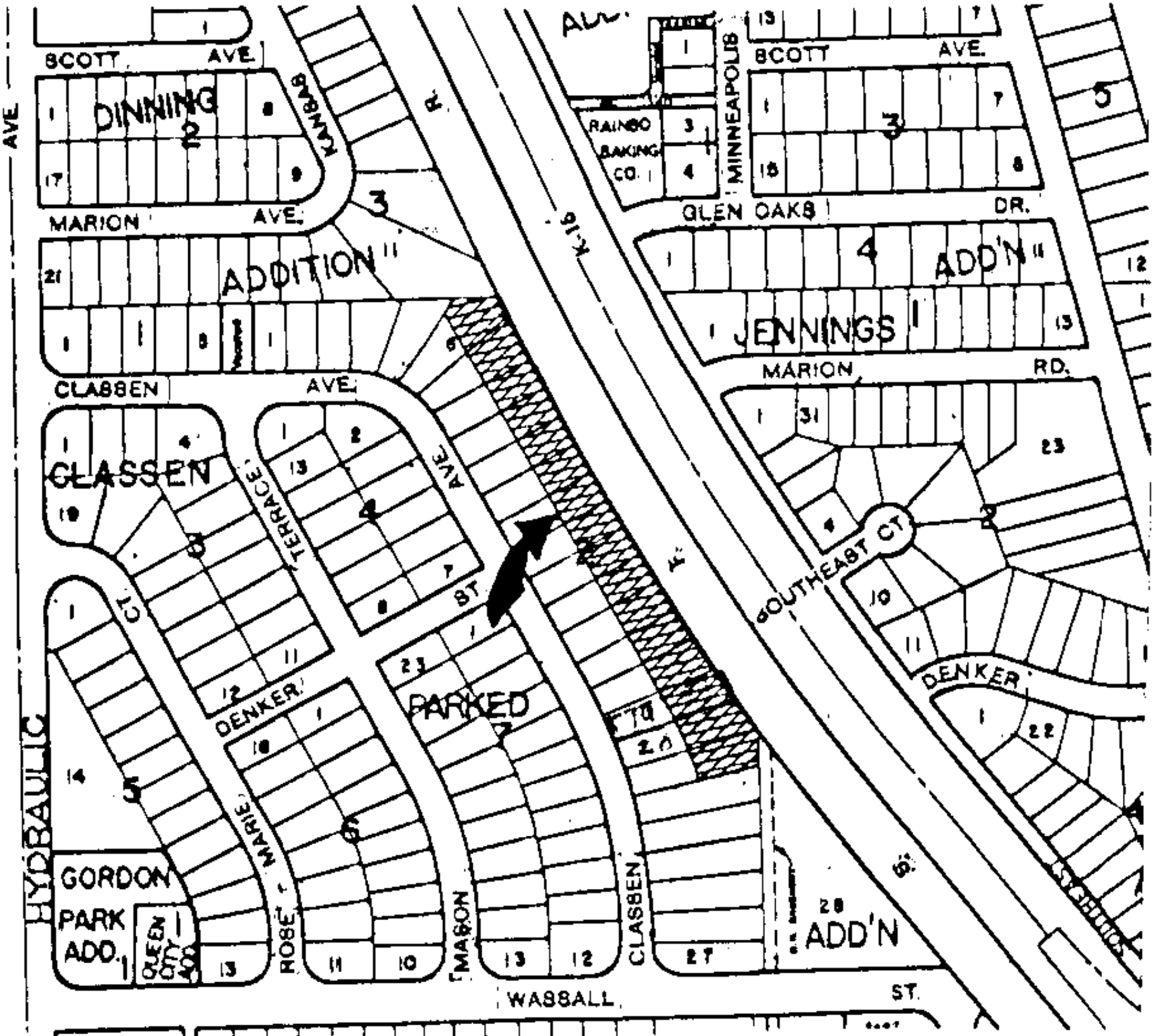
I, Pat Burnett, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is attached is a true and correct copy of the original on file in the office of the City Clerk.

Given under my hand and seal of the City of Wichita, this DEC 3 1991

Pat Burnett Deputy City Clerk

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD
8:00 A.M.
DEC 5 92 1192198
PAT KETTLER
REGISTER OF DEEDS

Ed Rand
Deputy



SCOTT AVE.
DINNING
KANSAS
MARION AVE.
ADDITION
CLASSEN AVE.
CLASSEN
TERRACE
AVE.
ST.
DENKER
PARKED
MARIE
ROSE
MASON
CLASSEN
GORDON PARK ADD.
QUEEN CITY ADD.
HYDRAULIC
WASSALL ST.
RAINBO BAKING CO.
MINNEAPOLIS
SCOTT AVE.
GLEN OAKS DR.
ADD'N
JENNINGS
MARION RD.
SOUTHEAST CT.
DENKER
ADD'N
K-15