

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
January 11, 1994**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1845 REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT LOCATED IN AN AREA SOUTH OF
PAWNEE AND EAST OF HYDRAULIC
(District #3)

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: The rear half of lots in this area were encumbered with a utility easement. This was apparently done to provide space for both typical utilities to serve the residences but also a major sewer line. While the major sewer line does cross the rear of lots to the north of this lot, the sewer's alignment has avoided this site. Utilities are located, however, in the western portion of the easement and City Engineering and the utility representatives indicate that the easement can be vacated except for a portion (25-foot section) containing the utility lines. 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 the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order; recording costs to be billed to:

150029-2909

This JAN 11 1994

Page 1 of 2

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 SOUTH OF PAWNEE
AND EAST OF HYDRAULIC

MORE FULLY DESCRIBED BELOW

)
)
)
)
) Case No. V-1845
)
)
)

VACATION ORDER

NOW on this 11TH day of January, 1994, comes on for hearing the petition for vacation filed by Fred A. Victory, praying for the vacation of the following described utility easement, to-wit:

All of platted easement on Lot 27, Block 2, Classen Parked Addition, Wichita, Sedgwick County, Kansas except for a 25 foot wide tract of land extending from the north line of said lot to the south line of said lot, said 25 foot wide tract of land being easterly of, adjoining and parallel to a line beginning at a point on the north line of said Lot 27, 100 feet easterly of the northwest corner of said lot and extending to the south line of said lot, said line being at right angles to the south line of said lot. (V-1845)

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 12/23/93 & 12/30/93
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.

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**

3.00 *cl*

City Clerk

Vacation Order
V - 1845

Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of January, 1994, 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:

Pat Burnett
Pat Burnett, Deputy City Clerk



Joan B. Cole
JOAN B. COLE VICE MAYOR

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law

STATE OF KANSAS) ss
SEDGWICK COUNTY
FILED FOR RECORD AT
8:00 a.m.

FEB 4 1994 1357703

PAT KETTLER
REGISTER OF DEEDS

Pat Kettler
Pat Kettler

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 as filed in the office of the City Clerk. Witness my hand and seal of the City of
JAN 11 1994

Pat Burnett
Pat Burnett, Deputy City Clerk



February 4, 1994