

Planning Agenda Item # _____

City of Wichita
City Council Meeting
August 10, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1823; Request to vacate utility easement, generally located north of Harry and west of West. (District # 4).

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of a portion of a platted utility easement. This is a companion case to a previously filed vacation case, V-1151. That action, approved in 1984, involved the vacation of the north 5 feet of utility easement and building setback for adjacent (to the south) Lot 1, Townsend Addition. The present vacation request only applies to that portion of utility easement along the south property line of Lot 1, Sanderson Addition, and affects neither the utility easement along the west property line or the 35-foot building setback along the east property line. Applicant intends to build across the common lot line. Staff and MAPC have recommended approval because there are no utilities in the easement, nor plans to use it in the future, additional easement is being granted along the west line, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Close the public hearing; accept the utility easement; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Order and the utility easement, recording costs to be billed to:

150029-2909.

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

MICROFILMED
OF RECORD

IN THE MATTER OF THE VACATION OF)
THAT PORTION OF UTILITY EASEMENT)

GENERALLY LOCATED NORTH OF)
HARRY AND WEST OF WEST)

MORE FULLY DESCRIBED BELOW)

Case No. V-1823

VACATION ORDER

NOW on this 10th day of August, 1993, comes on for hearing the petition for vacation filed by Phil Ruffin, praying for the vacation of the following described portion of utility easement, to-wit:

The south five (5) feet of Lot 1, Sanderson Addition, Wichita, Sedgwick County, Kansas, except the west ten (10) 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 7-23-93 & 7-30-93
2. No private rights will be injured or endangered by the vacation of the above-described portion of 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 portion of utility easement described herein should be approved.

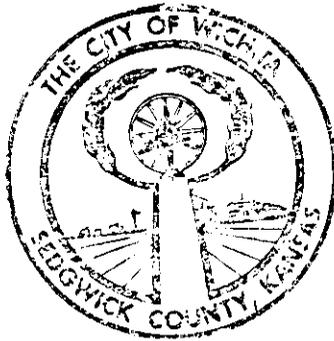
8.00

City Clerk

21

Vacation Order
V-1823
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of August, 1993, ordered that the above-described portion of utility esement 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.



Elma Broadfoot
Elma Broadfoot, Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary E. Rebenstorf
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 affixed is a true and correct copy of the original on file in the office the the City Clerk.
Given under my hand and seal of the City of Wichita, KS, AUG 17 1993
Pat Burnett Deputy City Clerk

STATE OF KANSAS) ss
Sedgwick County)
8:00 a.m.
JUL 25 1993 1323524
PAT KETTLER
REGISTER OF DEEDS

Ed Broadfoot
County



PARK
ADD.

BATESON
INDUSTRIAL
ADD.

EXCEPTION

BATSON
INDUSTRIAL 3

2nd. 4

WALKER

ST.

WEST

TWECO
PRODUCTS INC.
ADD.

AVE.

A
R. J.

NICKELSON
ADD.

BECO
ADD.

4

MONROE

ST.

RELL
ADD.

TOWNSEND
SECOND
ADD.

FLORENCE

B
DOUGHERTY

SANDERSON
ADD.

TOWNSEND
ADDITION

WEST

ST.

HARRY

Harry V-1823 5146