

Planning Agenda Item # _____

City of Wichita
City Council Meeting
January 5, 1993

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1795 REQUEST TO VACATE A UTILITY EASEMENT
LOCATED NORTH OF 21ST STREET NORTH AND WEST OF TYLER
(District #5)

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 applicant wishes to build across the common lot line and has submitted a substitute easement just to the west for any needed utilities. Both City Engineering and the utility representatives of the Subdivision Committee indicate that no facilities are presently in the easement and the substitute easement would be acceptable as an alternative 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 certified copy of the Vacation Order and the utility easement; recording costs to be billed to:

150029-2909

Approved / Accepted By City Council

This JAN 5 1993

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 NORTH OF 21ST STREET)
NORTH AND WEST OF TYLER (V-1795))
)
)
MORE FULLY DESCRIBED BELOW)

MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 5th day of January, 1993, comes on for hearing the petition for vacation filed by GARY WILEY, Agent for Ritchie Development Corp., praying for the vacation of the following described utility easement, to-wit:

Vacation of a 10-foot utility easement described as follows:

The east 5 feet of Lot 7 and the west 5 feet of Lot 8, Block 6, Sterling Farms, an Addition to Wichita, Sedgwick County, Kansas. Except the south 20 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 12/22/92 + 12/29/92.
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

City clerk

240 10000 2000

8-

Vacation Order
V-1795
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of January, 1993, 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.

Frank M. Ojile
Mayor

ATTEST:

Pat Burnett
Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law



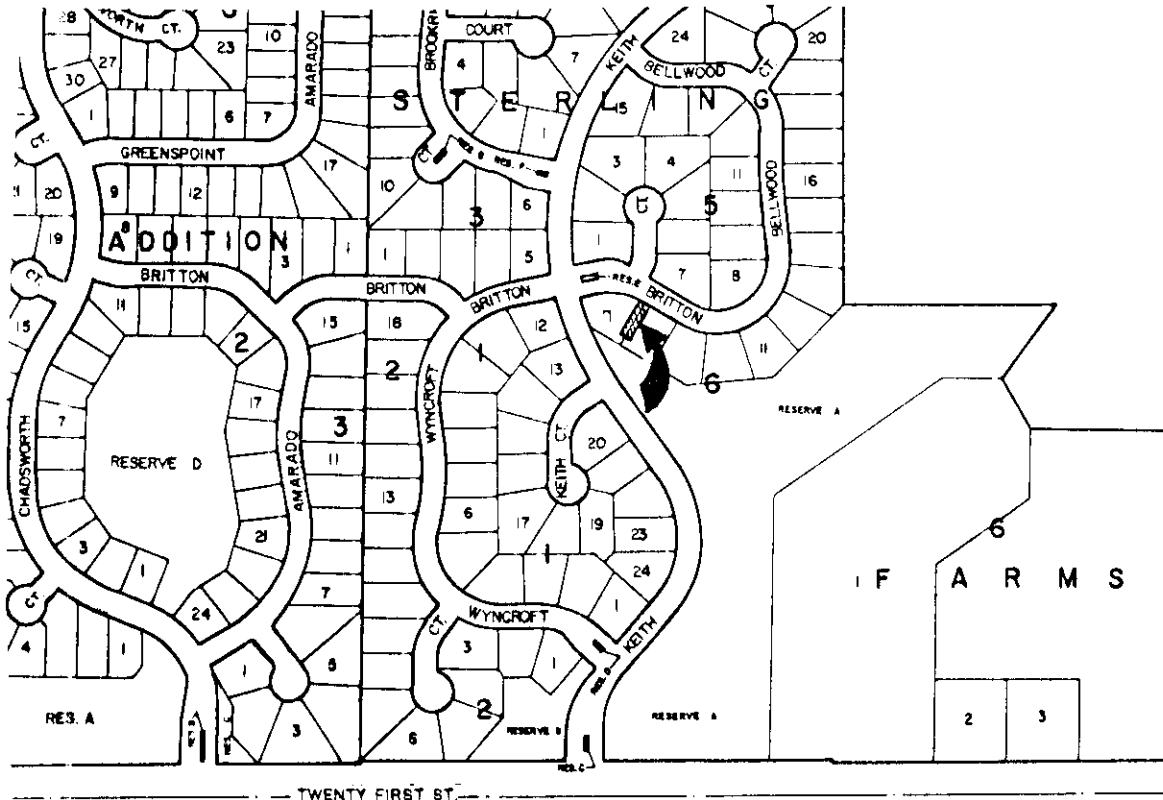
PAT BURNETT

Pat Burnett

STATE OF KANSAS
SEDOGWICK COUNTY
FILED

JAN 5 1993
8:00 a
PAT KETTLER
REGISTER OF DEEDS

Ed Reed
Deputy



Application Filed 11/12/92
 S/D Comm. Action 12/10/92 App
 M.A.P.C. Action 12/17/92 -
Approved

W.C.C. Action 1-5-93 Approved
 Bd. Co. Co. Action _____
 Order to Vacate Recorded March 10,
1993