

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 13, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1906 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED SOUTH OF 29TH ST. N. AND WEST OF WEBB
(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. (13 - 1)

Background: A portion of an existing home was found to be encroaching the utility easement and the vacation is being requested in order to clear the ensuing cloud on the property's title. The applicant is providing three (3) feet of substitute easement from the property to the north. This will again provide a 20 foot easement typically required for easements containing both sanitary sewer and other utilities. City Engineering and the utility representatives of the Subdivision Committee have agreed that this revision in the easement would be acceptable. 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/Actions:

Accept the substitute utility easement; close the public hearing; approve the vacation and authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order and the utility easement; recording costs to be billed to: 150029-2909

MICROFILMED
OF RECORD

This JUN 13 1995

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**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 29TH	)	Case No. V-1906
ST. N. AND WEST OF WEBB	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 13th day of June, 1995, comes on for hearing the petition for vacation filed by Joseph and Geraldine Mogilewsky, praying for the vacation of the following described utility easement, to-wit:

The south 3 feet of the North 10 feet of Lot 12, Block 1, Fox Pointe, an addition to Wichita, Sedgwick County, Kansas, said easement dedicated on Film 1413, Page 1310 & 1311, except the east 10 feet of the West 40 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 5/26/95 & 6/2/95.
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.

300
CK

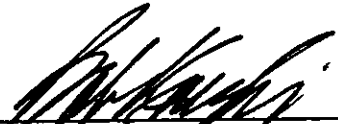
City Clerks Office
55 N. Main - 12th Floor
Wichita, KS 67202

(ENU)

Vacation Order
V-1906

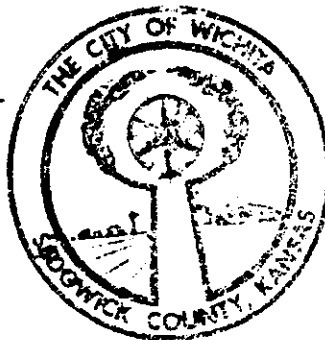
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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of June, 1995, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

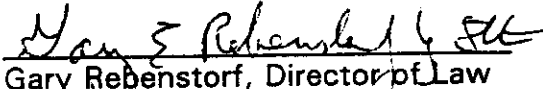

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

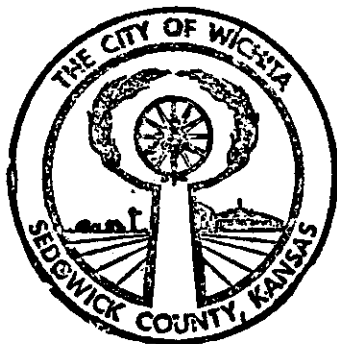


State of Kansas }
Sedgwick County) ss
City of Wichita }

I, Tom Schneider, 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 June 16, 1995

Tom Schneider Deputy City Clerk
Tom Schneider



STATE OF KANSAS } ss
SEDGWICK COUNTY) FILED FOR RECORD AT
10-00

1463029 4-7th

PAT KETTLER
REGISTER OF DEEDS

