

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 13, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1865 REQUEST TO VACATE A PORTION OF A
UTILITY EASEMENT LOCATED SOUTH OF 13TH STREET NORTH
AND WEST OF BROADMOOR ST.
(District #2)

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 St. George Orthodox Christian Cathedral is expanding its facility southward and requests vacation of a platted utility easement in order to construct a building. A sanitary sewer is in this easement but a bond has been filed with the City Engineer as guarantee that the sewer line will be appropriately abandoned and plugged. 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: 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

FILE COPY

SEP 13 1994

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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 13TH
STREET NORTH AND WEST OF
BROADMOOR STREET

MORE FULLY DESCRIBED BELOW

Case No. V-1865



STATE OF KANSAS { 36
SEDGWICK COUNTY {
FILED FOR RECORD AT
1:00 P M

OCT 5 1994

NO. 1413503
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 13TH day of September, 1994, comes on for hearing the petition for vacation filed by Saint George Orthodox Christian Cathedral, Inc. by Steven Cohlma, Chairman of Parish Council, praying for the vacation of the following described utility easement, to-wit:

The east 260 feet of the south 10 feet of Lot 1, Block 1, Fairfield Club Addition, to Wichita, Sedgwick County, Kansas and the east 260 feet of the north 10 feet of Lot 1, Block 1, The Abbey at Fairfield, an Addition to Wichita, Sedgwick County, Kansas.

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 9/6/94 & 9/13/94.
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.

MICROFILMED
OF RECORD

200

City Clerk

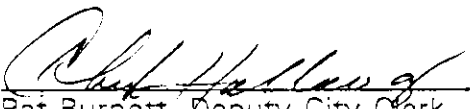
Vacation Order
V - 1865

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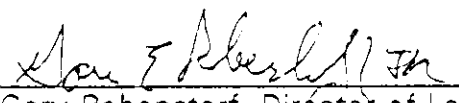
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of September, 1994, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

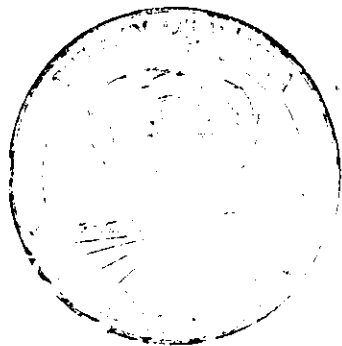

Elma Broadfoot, Mayor

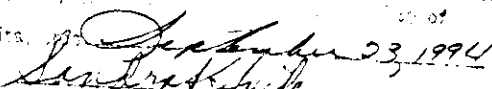
ATTEST:


Pat Burnett, Deputy City Clerk

Approved as to Form:

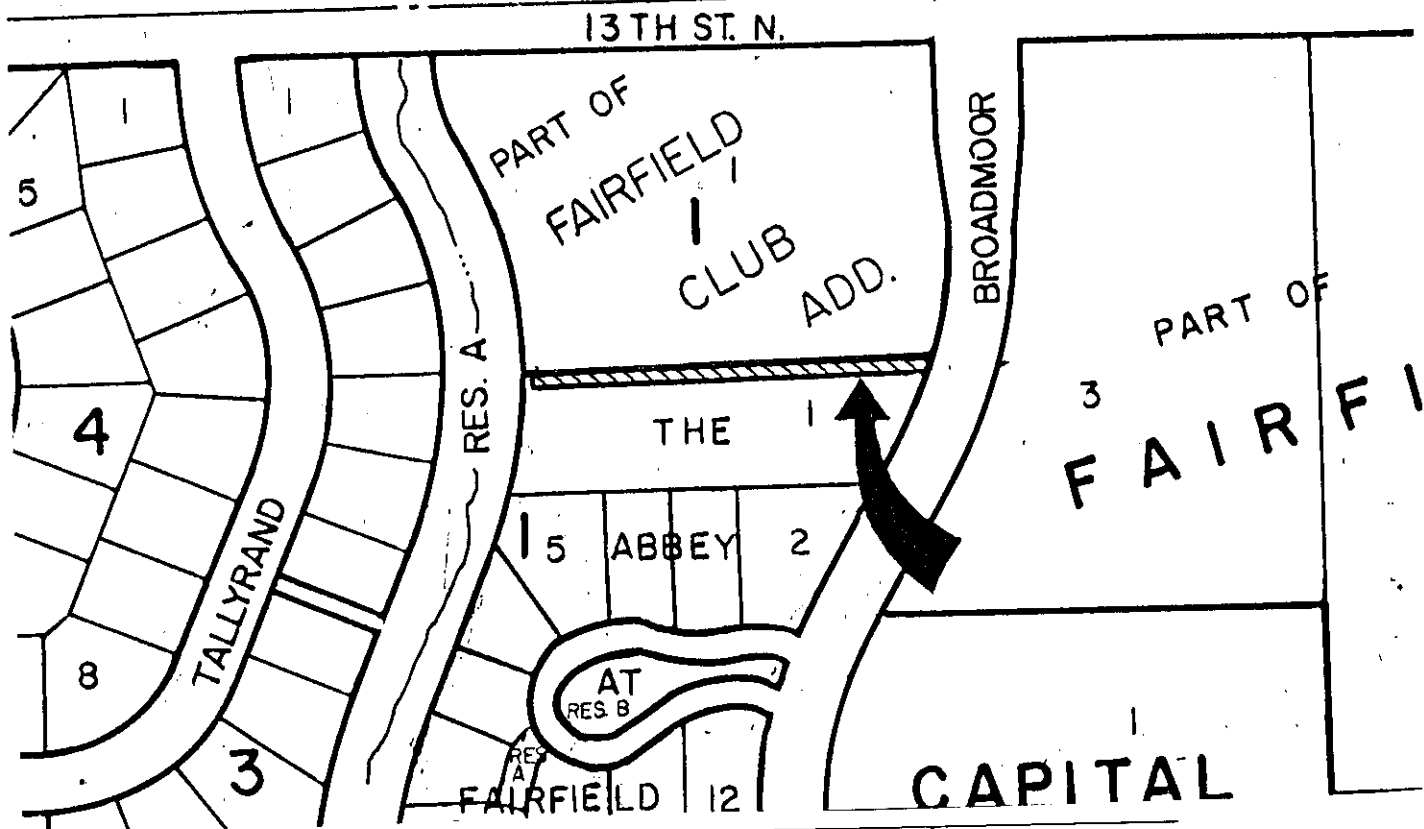

Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)
I, Sandra K. Snider, Deputy City Clerk of the City
of Wichita, Kansas, do hereby certify that the document
to which this is attached is a true and correct copy of
the original as the same appears in the City Clerk's
Office.
Wichita, Kansas, September 23, 1994




Sketch.



II. Application Filed 3/28/94 W.C.C. Action 9/13/94
S/D Comm. Action 4/14/94
Bd. Co. Co. Action _____

M.A.P.C. Action App

Order to Vacate Recorded October 5 1997