

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 12, 1994**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1860 DONALD WALENTA REQUESTS
VACATION OF A UTILITY EASEMENT LOCATED SOUTH OF
KELLOGG AND WEST OF OLIVER
(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: Although a sanitary sewer line was abandoned several years ago to allow construction of a building across the common lot line where the sewer line and easement were located, the easement itself was not at that time vacated. In order to clear a cloud from this property's title, the applicant is now requesting vacation of the easement. Both City Engineering and the utility representatives of the Subdivision Committee indicate that there is no need to retain the easement area requested for vacation. 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

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	)	Case No. V-1860
KELLOGG AND WEST OF OLIVER,	)	
PERDEL ADDITION	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 12th day of April, 1994, comes on for hearing the petition for vacation filed by Donald Walenta, praying for the vacation of the following described utility easement, to-wit:

A utility easement described as:

The east 5 feet of the north 130.8 feet of Lot 1 along with the west 15 feet of the north 130.8 feet of Lot 2, Perdel Addition, Wichita, 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 4-1-94 & 4-8-94.
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.
5. The vacation of the utility easement described herein should be approved.

MICROFILMED
OF RECORD

g.ck

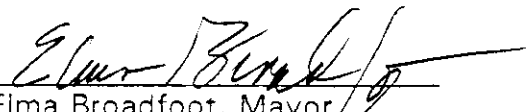
City Clerk

8 -

Vacation Order
V - 1860

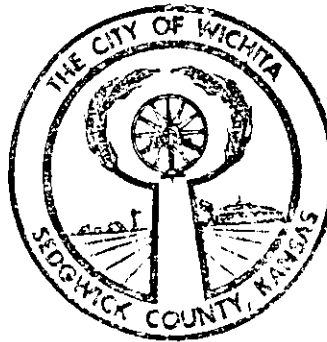
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 12th day of April, 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.

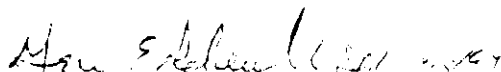

Elma Broadfoot, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:

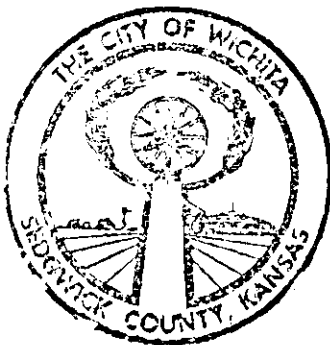

Gary Rebenstorf, Director of Law

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

I, Cheryl Holloway, 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 of the City Clerk. Given under my hand and seal of the City of

Wichita, this 13 day of April, 1994

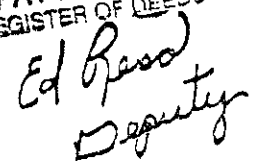

Deputy City Clerk



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT

8-00 M
JUN 23 1994
1392074

NO. PAT KETTLER
REGISTER OF DEEDS


Ed Kessler
Deputy

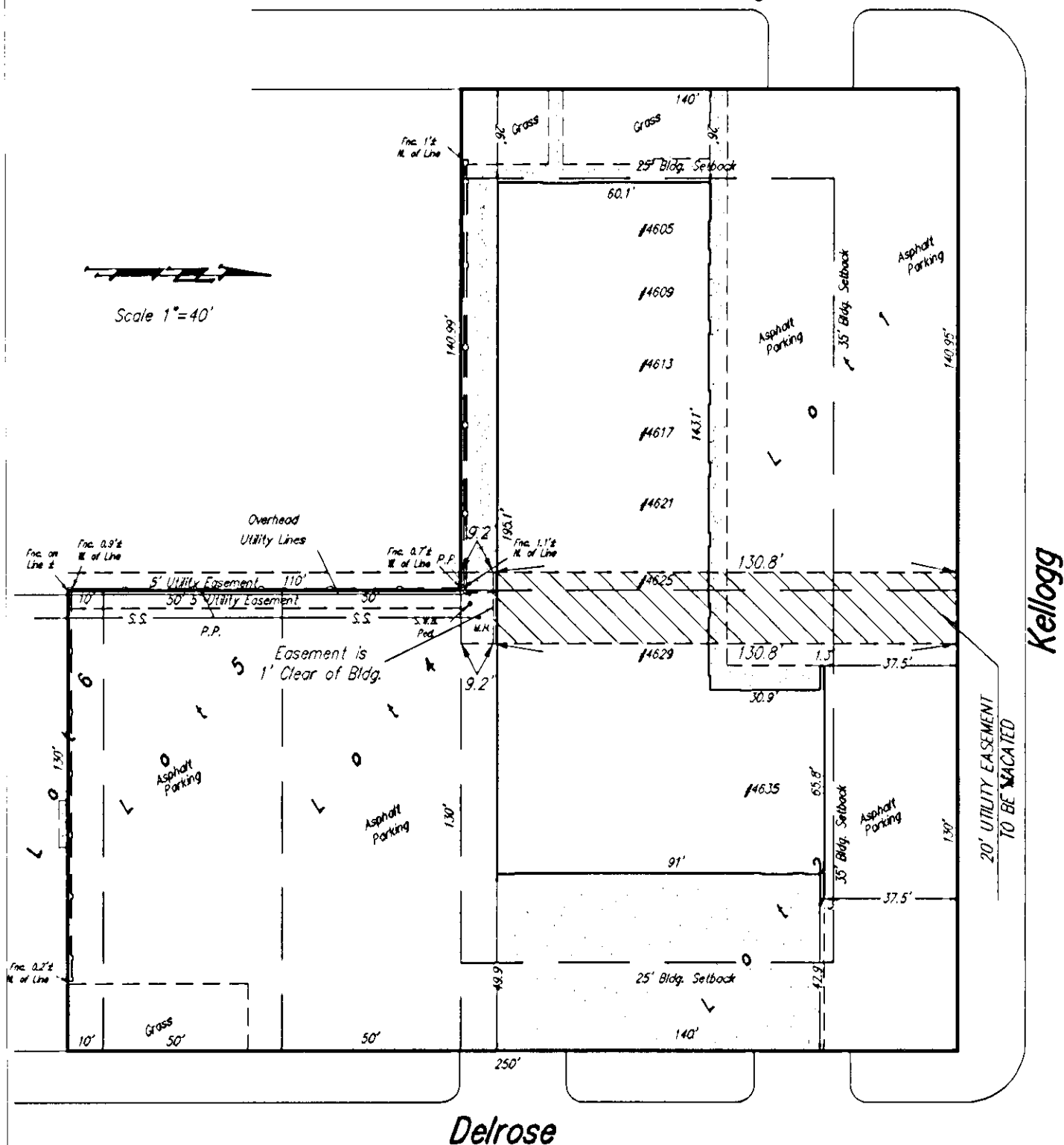
N. BRENT WOOTEN, P.E.



SURVEYING & ENGINEERING

316.262-7271 • 315 ELLIS • WICHITA, KANSAS 67211

Pershing



Dwg. File MTI\9402\010B