

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 5, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1941 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA NORTH OF 34TH STREET NORTH AND
EAST OF WOODLAWN.
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a utility easement.

MAPC Recommendation: Approve vacation of a utility easement. (11-1)

Background: The applicant desires to vacate a utility easement in conjunction with a boundary shift in order to enlarge his lot and better utilize the property for development purposes. A new easement is being created on the perimeter of the enlarged lot to serve the site and adjacent properties. According to City Engineering and the Utility Representatives of the Subdivision Committee, the reestablishment of the easement to serve the new property configuration is appropriate. 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 utility easement, 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	)	Case No. V-1941
NORTH OF 34TH STREET NORTH	)	
AND EAST OF WOODLAWN	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 5th day of March, 1996, comes on for hearing the petition for vacation filed by Sheldon Coleman Investment Trust, praying for the vacation of the following described utility easement, to-wit:

A 20 foot utility easement lying 10 foot either side of the following described centerline: commencing at the southeast corner of Lot 2, Block 1, Valentine Addition, Wichita, Sedgwick County, Kansas; thence N00°48'28"W, along the east line of said Lot 2, 20 feet to a point on the north line of an utility easement for the point of beginning; thence continuing N00°48'28"W, along the east line of said Lot 2, 155 feet, to the northeast corner of said Lot 2; thence S89°11'32"W, along the north line of said Lot 2, 145 feet to a point on the east line of a 20 foot utility easement.

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 _____.

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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of March, 1996, 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

