

Planning Agenda # _____

**City of Wichita
City Council Meeting
January 30, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1938 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA APPROXIMATELY 750 FEET SOUTH
OF KELLOGG AVENUE ON MAIZE ROAD.
(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 desires to vacate a utility easement in order to efficiently develop a building site. City Engineering and the representatives of the utilities on the Subdivision Committee have indicated that the utilities to serve the site have been installed outside of the area of the easement being requested for vacation and no harm should result due to this 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

COPY

This JAN 30 1996

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
APPROXIMATELY 750 FEET SOUTH OF
KELLOGG AVENUE ON MAIZE ROAD

MORE FULLY DESCRIBED BELOW

Case No. V-1938

STATE OF KANSAS }
SEDGWICK COUNTY } SS
FILED FOR RECORD AT
10:00 a.m.

1506214 E138

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 30th day of January, 1996, comes on for hearing the petition for vacation filed by Maize Avenue Inc., praying for the vacation of the following described utility easement, to-wit:

The north 10 feet and the west 10 feet of the north 182 feet of Lot 1, Block A,
and
the south 10 feet of the east 440 feet of Lot 2, Block A,
and
The east 10 feet of the north 182 feet of Lot 3, Block A, all in Maize Avenue
2nd Addition, 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 1/22/96 & 1/29/96

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.

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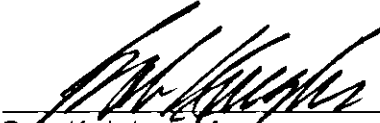
Vacation Order
V - 1938

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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.

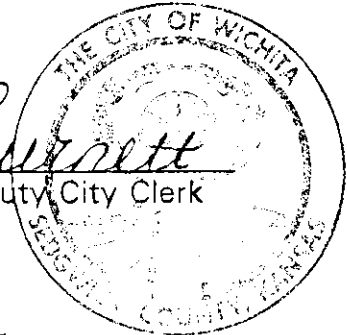
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 30th day of January, 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.

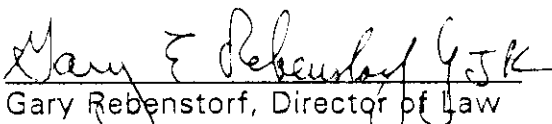

Bob Knight, Mayor

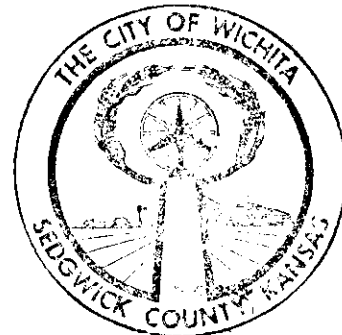
ATTEST:


Pat Burnett, Deputy City Clerk



Approved as to Form:

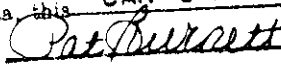

Gary Rebenstorf, Director of Law



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

I, **Pat Burnett**, Deputy City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is annexed 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 JAN 30 1996


PAT BURNETT Deputy City Clerk

HWY US 54

LOFLAND
ADD. A
2

1
COASTAL
MART
ADD.

MILES
COUNTRY 11
HWY CENTER
100

A.T. & S.F. RR

LARK

A

AVENUE

2

2ND

ADD

MAIZE

3

1

MAIZE RD

CARR

CARR

1

3

4