

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 12, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1936 REQUEST TO VACATE A UTILITY
EASEMENT LOCATED SOUTH OF PAWNEE AND EAST OF ROCK
ROAD
(District #2)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MARKOUT

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant desires to vacate a 10 foot side yard utility easement into which a structure was placed. City Engineering and the utilities representatives of the Subdivision Committee have indicated that there are no utilities installed in the area of easement being requested for vacation and no harm should result do 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

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

IN THE MATTER OF THE VACATION OF)	
UTILITY EASEMENT)	
)	
GENERALLY LOCATED)	Case No. V-1936
SOUTH OF PAWNEE AND EAST)	
OF ROCK ROAD)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 12th day of December, 1995, comes on for hearing the petition for vacation filed by Janice L. Toomey, praying for the vacation of the following described, utility easement to-wit:

A utility easement in the south 5 feet of Lot 8, Block 2, Towne Parc 5th Addition, Wichita, Sedgwick County, Kansas, except the east 10 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:

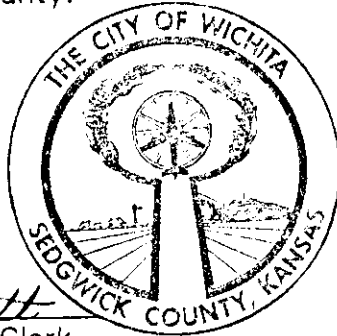
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 12/1/95 & 12/8/95
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, 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.

COPY

Vacation Order
V -1936

Page 2 of 2

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

Bob Knight, Mayor

ATTEST:

Pat Burnett

Pat Burnett, Deputy City Clerk

STATE OF KANSAS | SS
SEDGWICK COUNTY |
FILED FOR RECORD AT
11:00 a.m.

1497825 #28

PAT KETTLER
REGISTER OF DEEDS

Approved as to Form:

Gary E. Rebenstorf

Gary Rebenstorf, Director of Law

Phyllis Hermsdorf

Phyllis Hermsdorf, Deputy



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 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 DEC 12 1995

Pat Burnett

Pat Burnett, Deputy City Clerk

