

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1932 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA SOUTH OF 13TH STREET NORTH AND WEST
OF ROCK ROAD.
(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 applicant wishes to reduce unneeded easement in order to provide additional area on the lot to install a swimming pool and other amenities. This site was platted in 1987 which involved a replat of a previous addition which resulted in providing an easement which was not necessary. City Engineering and the utility representatives of the Subdivision Committee have indicated that the utilities have been installed outside of the area of 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

**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-1932
IN AN AREA SOUTH OF 13TH	)	
STREET NORTH AND WEST OF ROCK ROAD	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

COPY

VACATION ORDER

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

a portion of a utility easement in Lot 6, Block 3, Fairfield Estates 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas, described as follows: Commencing at the rear corner common to Lots 5 and 6, Block 3, in said Fairfield Estates 2nd Addition, thence S79°54'31"W along the lot line common to said Lots 5 and 6, 16.41 feet for a place of beginning; thence continuing S79°54'31"W along said common lot line, 3.13 feet to the westerly line of a utility easement as platted in said Fairfield Estates 2nd Addition; thence S05°57'54"W along said easement line, 179.69 feet to a point on the north line of a 10 foot K.G.&E. easement (Film 1074, Page 1161), said point being N89°34'05"W, 37.91 feet from the east line of said Lot 6 as measured along said north K.G.&E. easement line; thence S89°34'05"E along said north K.G.&E. easement line, 15.96 feet; thence N01°51'04", 179.48 feet to the point of beginning.

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

COPY

City Clerks Office
455 N. Main - 12th Floor
Wichita, KS 67202

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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.

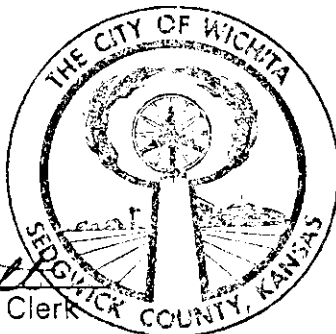
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

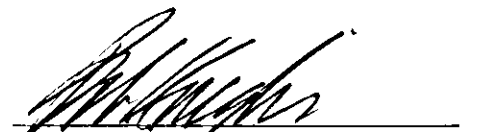
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 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.

ATTEST:

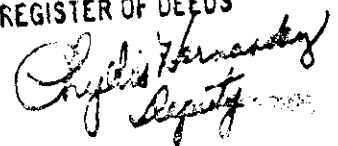

Pat Burnett, Deputy City Clerk



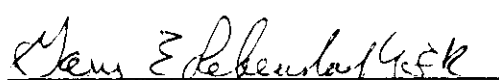

Bob Knight, Mayor
STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT
11:00 A.M.

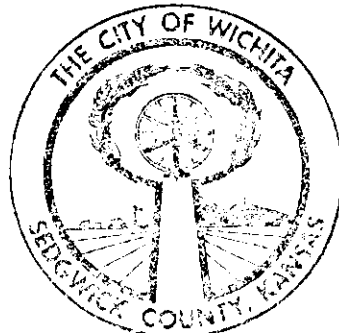
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PAT KETTLER
REGISTER OF DEEDS


Cynthia Hernandez, Deputy

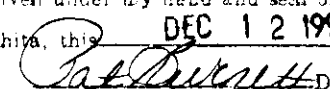
Approved as to Form:


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 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
 Deputy City Clerk

LOT 6, BLOCK 3, FAIRFIELD ESTA

