

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 31, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1931 REQUEST TO VACATE UTILITY EASEMENT,
IN AN AREA WEST OF TYLER AND SOUTH OF 21ST STREET NORTH,
(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 portion of an utility easement to provide additional buildable area on the involved lot in order to construct a shed. City Engineering and the representatives of the utilities on 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 A UTILITY EASEMENT

GENERALLY LOCATED WEST OF TYLER AND SOUTH OF 21ST STREET NORTH

MORE FULLY DESCRIBED BELOW

Case No. V-1931

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

9:00 AM

1492651 230 15

PAT KETTLER
REGISTER OF DEEDS

Pat Kettler

VACATION ORDER

NOW on this 31st day of October, 1995, comes on for hearing the petition for vacation filed by Forrest E. Richardson, etux, praying for the vacation of the following described utility easement, to-wit:

The north five (5) feet of the 20 ft. easement as platted along the south property line of Lot 2, Block H, Jamesburg Park, an Addition to 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:

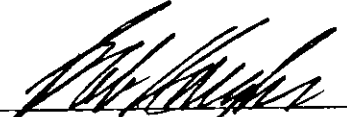
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter of notice of this vacation proceeding for consecutive weeks on 10/6/95 & 10/13/95
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, 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.

8:00
[Signature]
City Clerks Office
455 W. Main - 12th Floor
Wichita, KS 67202

Vacation Order
V -1931

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 31st day of October, 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.

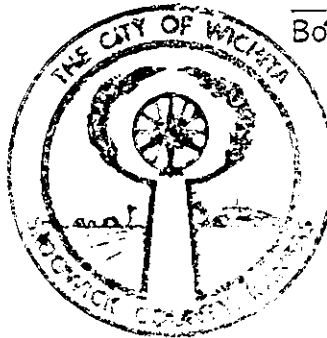


Bob Knight, Mayor

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 affixed is a true and correct copy of the original on file in the office the the City Clerk.
Given under my hand and seal of the City of Wichita, this OCT 31 1995

Pat Burnett Deputy City Clerk



