

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 1, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1923 REQUEST TO VACATE A UTILITY
EASEMENT IN AN AREA EAST OF 119TH ST. W. AND NORTH OF
MAPLE.
(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 wishes to provide additional buildable area on the involved lot. An extra wide easement was platted on this lot and the adjacent lot in order to protect a hedge row during the installation of utilities. 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; record the certified copy of the Vacation Order; with the recording costs to be billed to: 150029-2909

**MICROFILMED
OF RECORD**

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED EAST OF 119TH
ST. WEST AND NORTH OF MAPLE

MORE FULLY DESCRIBED BELOW

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Case No. V-1923



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

1472831 AU 22 85

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 1st day of August, 1995, comes on for hearing the petition for vacation filed by James M. Ditts, etal, praying for the vacation of the following described utility easement, to-wit:

The utility easement as platted on Lot 1, Block 19, Westlink Village Eighteenth Addition described as:

The south 20 feet of the north 30 feet of Lot 1, Block 19, Westlink Village Eighteenth addition to Wichita, 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 7/14/95 & 7/21/95
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.

8.00
ck

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

Vacation Order
V - 1923

Page 2 of 2

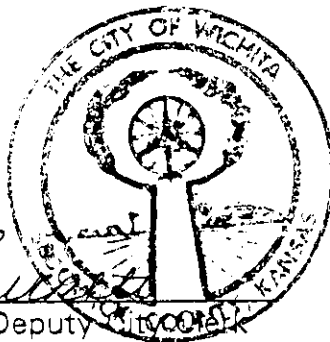
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

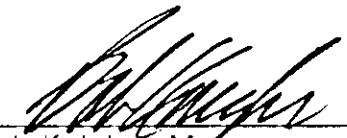
5. The vacation of the utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of August, 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.

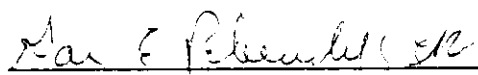
ATTEST:


Pat Burnett, Deputy City Clerk



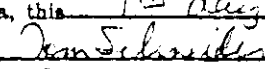

Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

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

I, Tom Schneider, 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 4th day of Aug, 1995

Tom Schneider Deputy City Clerk

