

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 11, 1995**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1921 REQUEST TO VACATE UTILITY EASEMENTS
IN AN AREA WEST OF SENECA AND SOUTH OF 50TH ST. SOUTH.
(District #4)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements.

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

Background: In order to allow for planned expansions to an existing church, the removal of unused easements is being requested. According to City Engineering and the Utility Representatives of the Subdivision Committee the easements being requested for vacation are unused and may be eliminated. 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 of the utility easements; authorize the Mayor to sign the Vacation Order; record a certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

7-11-95

FILED 5:0 PAGED 684

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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
WEST OF SENECA AND SOUTH
OF 50TH ST. SOUTH

MORE FULLY DESCRIBED BELOW

Case No. V-1921

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

3:30 P.M.

1467388 #318

PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 11th day of July, 1995, comes on for hearing the petition for vacation filed by Jerry R. Burlie, praying for the vacation of the following described utility easements, to-wit:

Those easements as platted on Lots 31, 32, 33 and 34, A. Verne Roberts Addition, Sedgwick County, Kansas and more specifically described as:

The eight (8) foot easement platted along the south line of Lots 31, 32, and 33 and 34;

The ten (10) foot easement as platted along the common lot lines of Lots 31 and 32, Lots 32 and 33, and Lots 33 and 34 and which extend from the south line of these lots to a point 100 feet south of the north line of these lots;

The ten (10) foot, east-west easement centered on a line running parallel to and 100 feet north of the south line of Lots 31, 32, and 33 and which extends from the west line of Lot 31 to the east line of Lot 33.

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 6-30-95 & 7-7-95.

2. No private rights will be injured or endangered by the vacation of the above-described utility easements, 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.

Vacation Order
V - 1921

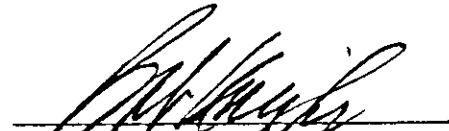
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4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

5. This vacation shall only be for the platted easements indicated in the above legal descriptions and shall in no manner vacate any portion of an easement granted by separate instrument.

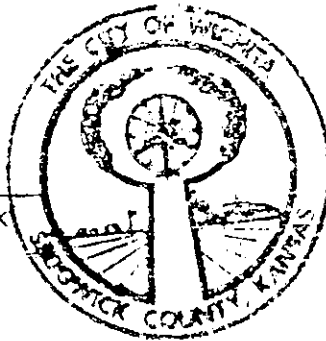
6. The vacation of the utility easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of July, 1995, ordered that the above-described utility easements are 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.

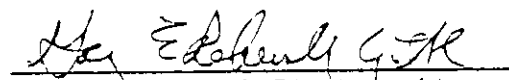

Bob Knight, Mayor

ATTEST:


Pat Burnett, Deputy City Clerk

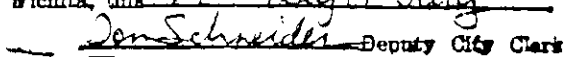


Approved as to Form:


Gary Rebenstorf, Director of Law

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

I, 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 19th day of July

Tom SCHNEIDER Deputy City Clerk

FLOODWAY

AVE.

VERNE

ROBERTS

FIFTIETH ST. SO.

ELIZABETH

ADD.

DODGE

34

SENECA

BLEVINS
ADD. 1