


Planning Agenda # \_\_\_\_\_

**City of Wichita  
City Council Meeting  
November 19, 1996**

Agenda Report # \_\_\_\_\_

**TO:** Mayor and City Council

**SUBJECT:** PUBLIC HEARING V-1994 REQUEST TO VACATE UTILITY EASEMENT  
LOCATED IN AN AREA SOUTH OF KELLOGG STREET AND WEST OF  
BEVERLY DRIVE.  
(District #2)

**INITIATED BY:** Metropolitan Area Planning Department 

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve vacation of utility easement

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

Background: The applicant is requesting the vacation of an unused utility easement on the south 5 feet of their lot in order to construct a screening wall on the south side of the lot. The utility representatives of the Subdivision Committee indicate that no facilities are located in the easement. Therefore the utility easement may be vacated so as to allow the applicant to construct the screening wall.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

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 and authorize the Mayor to sign the Vacation Order; record the certified copy of the Vacation Order; recording costs to be billed to: 150029-2909

This NOV 19 1996

COPY

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

IN THE MATTER OF THE VACATION OF )  
UTILITY EASEMENT )  
 )  
GENERALLY LOCATED )  
SOUTH OF KELLOGG STREET AND )  
WEST OF BEVERLY DRIVE )  
 )  
MORE FULLY DESCRIBED BELOW )

Case No. V-1994

STATE OF KANSAS )  
SEDGWICK COUNTY ) SS  
FILED FOR RECORD AT )  
9:00 A M )  
1580651 5225 )  
LARRY CONSOLVO )  
REGISTER OF DEED )  
*Diana Anderson* )  
Deputy )

**VACATION ORDER**

NOW on this 19th day of November, 1996, comes on for hearing the petition for vacation filed by Lindy Andeel, Member of New Western, LC, praying for the vacation of the following described utility easement, to-wit:

The south 5 feet of the east 127.72 feet of Lot 1, New Western 4th Addition, 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 11/8/96 & 11/15/96.
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

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Vacation Order  
V - 1994


Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November, 1996, 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

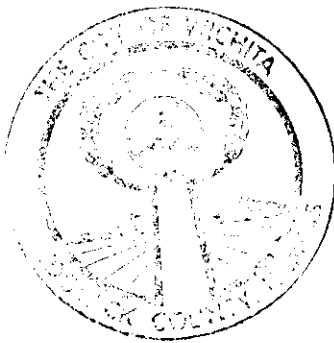
ATTEST:

  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



State of Kansas )  
Sedgwick County ) ss  
                  ) Pat Burnett      City Clerk of the City  
of Wichita, Kansas, hereby certifies that the document  
above described is a true and correct copy of  
the original on file in the City Clerk's  
Office. Witness my hand and seal of office  
this 19th day of November, 1996.  
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Pat Burnett      City Clerk

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