

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 20, 1997**

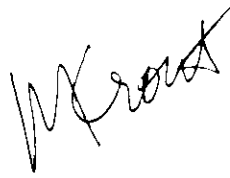
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2028 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA EAST OF TYLER AND SOUTH OF 29TH 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 is requesting the vacation of two utility easements in order to allow for the development of 14 lots into 12 building sites to accommodate larger homes. City Engineering and the utility companies have indicated that the vacation is acceptable.

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; 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

CITY
RETURN TO CITY CLERK

FILE 1745 PAGE 0263

Approved / Accepted By City Council

This 5-20-97

MICROFILMED
OF RECORD

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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 TYLER AND SOUTH OF 29TH
STREET NORTH

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT

8:00 A.M.

1654046

Case No. 0522846 B 185

LARRY CONSOLVER
REGISTER OF DEEDS

Michael D. Hoff
Deputy

VACATION ORDER

NOW on this 20th day of May, 1997, comes on for hearing the petition for vacation filed by Northridge Lakes, Inc., c/o Marvin Schellenberg, praying for the vacation of the following described utility easement, to-wit:

The 10 foot utility easement 5 feet on either side of the common line between Lots 5 and 6, Block 4, Northridge Lakes, an addition to Wichita, Sedgwick County, Kansas; except the easterly 20 feet thereof; together with the 10 foot utility easement 5 feet on either side of the common line between Lots 11 and 12, Block 4, in said addition, except the westerly 15 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 5-2-97 & 5-9-97.

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.

150029
800

✓

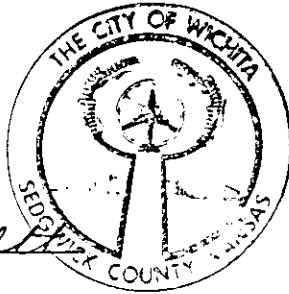
Vacation Order
V -2028

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of May, 1997, 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
Pat Burnett, City Clerk



Bob Knight
Bob Knight, Mayor

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law



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

I, Pat Burnett 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 my office.

Given under my hand and seal of the City of
Wichita, this December 3, 1997
Pat Burnett City Clerk

