

Planning Agenda # _____

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

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2026 REQUEST TO VACATE SEWER EASEMENT
LOCATED IN AN AREA NORTH OF 55TH STREET SOUTH AND EAST OF
SENECA,
(District #4)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Krout
by line*

Staff Recommendation: Approve vacation of sewer easement.

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

Background: The applicant is requesting the vacation of a utility easement in order to clear title to the property. The dwelling on the site was constructed over the original utility easement, but the utilities which serve the site were located within an easement which was dedicated by separate instrument when the home was constructed. 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

STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

9:00A M

Deane M. Heimer
Deputy



Approved **FILED 711 PAGE 0968**
Accepted By City Council

This 5-20-97

Page 1 of 2

MICROFILMED
OF RECORD

1621172 4305

LARRY CONSOLVER BEFORE THE CITY COUNCIL OF THE
REGISTER OF DEEDS CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
SEWER EASEMENT)

GENERALLY LOCATED)
NORTH OF 55TH STREET SOUTH AND)
EAST OF SENECA)

Case No. V-2026

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 20th day of May, 1997, comes on for hearing the petition for vacation filed by Richard & Karen L. Meyer, praying for the vacation of the following described sewer easement, to-wit:

A sewer easement 20 feet in width, lying 10 feet either side of the line common to Lots 16 and 17, Block 8, South Seneca Gardens fourth Addition to Wichita, Sedgwick County, Kansas, except the Northwesterly 10 feet thereof, as shown on film 525 and page 1187.

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 sewer 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 sewer easement described herein should be approved.

Return to City Clerk

*8:00
150029
2905*

B. J. dk

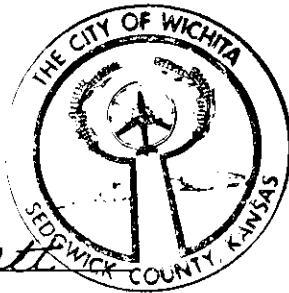
Vacation Order
V - 2026

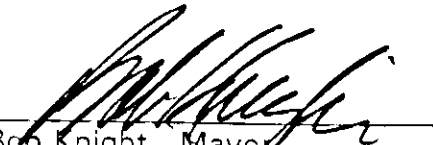
Page 2 of 2

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of May, 1997, ordered that the above-described sewer 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.

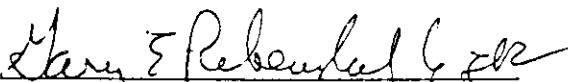
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

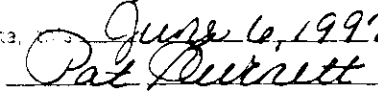
Approved as to Form:


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 annexed is a true and correct copy, as the original is in my office.

Given under my hand and seal of the City of
Wichita, Kans. June 6, 1997
 City Clerk

