

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 1, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2023 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA SOUTHEAST OF WEST STREET AND ELM.
(District #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. K. Hart

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant requests the vacation of a 20-foot utility easement in Lot 1 of the NBW Building Addition, located on the east side of West Street and south of Elm Street. The applicant plans new construction on the lot which will cross the easement as recorded and desires to vacate the easement in order to more fully utilize the property. City Engineering required the abandonment and relocation of a manhole in order for the vacation to be approved. This work has been completed.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions which have been met. No members of the public addressed the MAPC to oppose 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

MICROFILMED
OF RECORD

Approved / Accepted By City Council
This JUL 1 1997

U1735 PAGE2419

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
SOUTHEAST CORNER OF WEST STREET
AND ELM

MORE FULLY DESCRIBED BELOW

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

800A M

Case No. V-2023 1644802 2-55

LARRY CONSLVER
REGISTER OF DEEDS



VACATION ORDER

Anna M. Michaelis
Deputy

NOW on this 1st day of July, 1997, comes on for hearing the petition for vacation filed by W.A. Michaelis, Jr., praying for the vacation of the following described utility easement, to-wit:

A utility easement described as the west 20 feet of the east 90 feet of Lot 1, NBW Building Addition, Wichita, Kansas, except the south 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 6-6-97 & 6-13-97
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.

g.ck

City Clerk

150029
2909
800

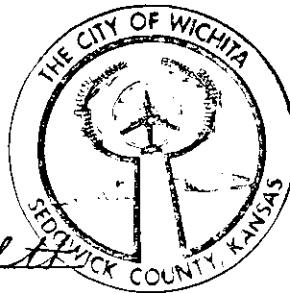
Vacation Order
V-2023

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IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July, 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:

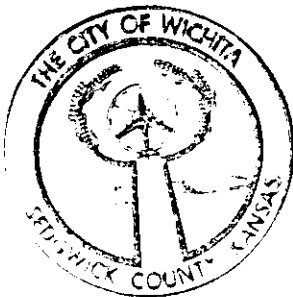
Pat Burnett
Pat Burnett, City Clerk



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 annexed 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 JUL 1 1997
Pat Burnett City Clerk

Elm Street

Assumed Basis of Bearings = $S90^{\circ}00'00''E$ 680'(P) & 680.13'(M)

West Street

Q

