

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 2, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2079 REQUEST TO VACATE UTILITY EASEMENT
LOCATED IN AN AREA SOUTH OF PAWNEE AND WEST OF HYDRAULIC
(District #3)

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 to vacate a utility easement which has been used as a support for a utility pole by KG&E. KG&E has agreed to move this support. This request is being made to allow the applicant to construct a car port on this property.

City Engineering has indicated that this vacation is acceptable. The vacation request has been reviewed and approved by the Planning Commission, subject to the dedication of an additional 2 foot utility easement just east of the existing easement. This dedication was approved by the City Council on May 12th to create a 10 foot wide easement along the west line of this property. 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.

1709750 4228
CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

FILM 1809 PAGE 1318
Approved / Accepted By City Council
This JUN 2 1998

STATE OF KANSAS) ss
SEDGWICK COUNTY)

JUL 22 8 05 AM '98

Pat Hylton
Deputy

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REGISTER OF DEEDS

**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 PAWNEE AND WEST OF
HYDRAULIC

MORE FULLY DESCRIBED BELOW

Case No. V-2079



MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 2nd day of June, 1998, comes on for hearing the petition for vacation filed by C. Leroy Tucker, praying for the vacation of the following described utility easement, to-wit:

Beginning from the SW corner of Lot 9, Block A, Replat of Schrader Brothers 4th Addition, a subdivision in Wichita, Sedgwick County, Kansas; thence North along the west line of said Lot 9 a distance of 10 feet; thence East and parallel with the south line of said Lot 9 a distance of 8 feet to the true point of Beginning; thence East and parallel with the south line of said Lot 9 a distance of 25 feet; thence North and parallel with the west line of said Lot 9 a distance of 10 feet; thence West and parallel with the south line of said Lot 9 a distance of 25 feet; thence South and parallel with the west line of said Lot 9 a distance of 10 feet to the true point of beginning.

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 one time MAY 8 1998, which was at least 20 days prior to this public hearing.
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.

RETURN ABOVE

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98-1

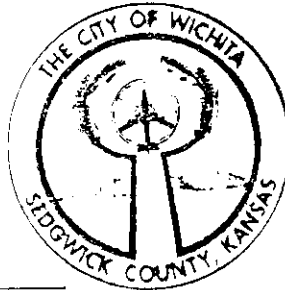
Vacation Order
V - 2079

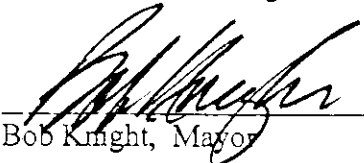
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5. The vacation of the utility easement described herein should be approved, subject to the following condition:

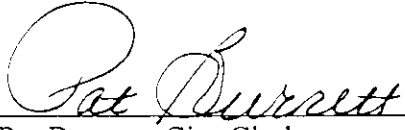
- A) The applicant shall dedicate on addition 2 foot utility easement just east of the existing utility easement.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of June, 1998, 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.

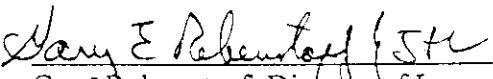



Bob Knight, Mayor

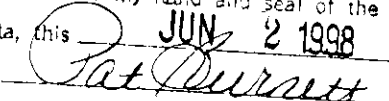
ATTEST:


Pat Burnett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law

State of Kansas)
Sedgwick County) ss
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 JUN 2 1998
 City Clerk



0-200-1
 PART OF
 TRAVIS ADD.
 2

PART
OF
TRIPLE "T"
ADD.

PART
OF
LOT 1

WICHITA VALLEY CENTER

-AST

EMPORIA

(FLATS APPEAR TO OVER-
ST. FRANCIS

REPLACES
RESERVE
OF PORTOLIS
414 ADD.

WASSALL

GREENWAY

SANTA FÉ

1072017

CHRADER BROS.

MEAD

4th ADD.

SCHRADER

MOSLEY I

4th

18

PROS.

ADD.

ARKANSAS RIVER

BLVD

44

22

25