

Planning Agenda Item # _____

City of Wichita
City Council Meeting
February 13, 1990

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: PUBLIC HEARING V-1652 - REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT, LOCATED IN AN AREA WEST OF
WESTLINK AVENUE AND NORTH OF PETERSON
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Deny vacation of utility easement.

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

Background: In 1978, a swimming pool was constructed 3-feet into an 8-foot platted utility easement. The applicant purchased the property in December of 1989 and desires the vacation of the area of encroachment; to clear title and permit the swimming pool to remain in an area of a utility easement. At a meeting of the Subdivision Committee of the Metropolitan Area Planning Commission it was determined that a sanitary sewer line is located in the center of the 8-foot utility easement. (See attached Minutes 12/28/89). In addition, the Utility Advisory Committee informed the Subdivision Committee that lines for ARKLA, Southwestern Bell, and K.G. & E. are also in the 8-foot platted utility easement. The vacation request has been reviewed and denied by the Planning Commission. The applicant has been instructed by the Planning Commission that if they are unwilling to relocate the swimming pool they will need to submit an acceptable "hold harmless" agreement with the Sewer Maintenance Division of the Water and Sewer Department.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Action: 1. Close public hearing and deny the vacation; or
2. Close public hearing, approve vacation; authorize the Mayor to sign the Vacation Order; and record certified copy of Order, recording costs to be billed to: 150029-2909

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT

DATE: February 15, 1990

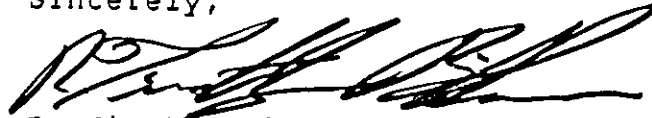
TO: Monty Robson, Superintendent of Central Inspection
FROM: R. Timothy Bickhaus, Associate Planner
SUBJECT: V-1652 - A request to vacate a portion of a platted utility easement, located in an area west of Westlink Avenue and north of Peterson.

At the February 13, 1990 meeting of the Wichita City Council the above referenced vacation request was denied.

In 1978, a swimming pool was constructed 3-feet into an 8-foot platted utility easement. The applicant purchased the property in December of 1989 and desires the vacation of the area of encroachment; to clear title and permit the swimming pool to remain in an area of a utility easement. At a meeting of the Subdivision Committee of the Metropolitan Area Planning Commission it was determined that a sanitary sewer line is located in the center of the 8-foot utility easement. In addition, the Utility Advisory Committee informed the Subdivision Committee that lines for ARKLA, Southwestern Bell, and K.G. & E. are also in the 8-foot platted utility easement. The vacation request has been reviewed and denied by the Planning Commission. The applicant has been instructed by the Planning Commission that if they are unwilling to relocate the swimming pool they will need to submit an acceptable "hold harmless" agreement with the Sewer Maintenance Division of the Water and Sewer Department.

As of this date Sewer Maintenance has not received a hold harmless agreement from the applicant. We advise Central Inspection to take the appropriate action to insure that either the swimming pool is relocated out of the utility easement or that the applicant submit an acceptable "hold harmless" agreement to Sewer Maintenance.

Sincerely,



R. Timothy Bickhaus
Associate Planner

RTB:svm

cc: Edwin E. Coburn, 2355 Tee Time Court, Wichita, KS 67205
Donald & Michelle Howell, 1143 Peterson, Wichita, KS 67212
Mike Lindebak, City Engineer

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