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RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-1961 Request to vacate a utility easement located north of Central and west of 143rd Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning. MK

PROPOSED AGENDA DATE: July 24, 1996

COMMISSION DISTRICT #1

MAPC Recommendation: Approve subject to conditions. (11-1)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant desires to develop three platted lots as two building sites to accommodate two larger homes. In order to efficiently use the platted lots for this purpose, an existing utility easement between two of the lots must be vacated and relocated to serve the proposed development. The applicant has provided a substitute easement to serve the site. Both County Engineering and the utility representatives of the Subdivision Committee indicated that no facilities are located in the easement and that a substitute easement could serve the site. Therefore, the easement may be vacated so as to allow the applicant to build in this area. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. The reason given for the one dissenting vote was that the Commissioner was opposed to any development or redevelopment in a flood plain. No members of the public addressed the MAPC in opposition to this request.

This request is within 3-miles of the City of Wichita and consequently was scheduled for review by the Wichita City Council. The Wichita City Council heard and approved this vacation.

Recommended Action: 1. Open public hearing to receive public comments; close public hearing, accept the easement, approve the vacation order and authorize the Chair to sign.

Applicants: Pinehurst Development Company, Inc., 6100 E. Central, Suite 215, Wichita, KS 67208

Protestors: None

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
A UTILITY EASEMENT,)
)
)
GENERALLY LOCATED NORTH OF CENTRAL) MAPD CASE NO. V-1961
AND WEST OF 143RD STREET EAST)
)

VACATION ORDER

NOW on this 24th day of July, 1996, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

The 10-foot utility easement common to Lots 12 and 13, Block 1, Pinehurst Addition to Sedgwick County, Kansas; except the northerly 10 feet and the southerly 25 feet thereof.

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county paper, the first such publication having occurred on July 3, 1996; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

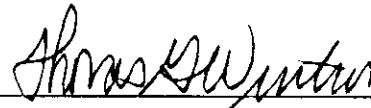
THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written

objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on April 25, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on June 25, 1996, the Governing Body of the City of Wichita recommended that the said petition be approved.

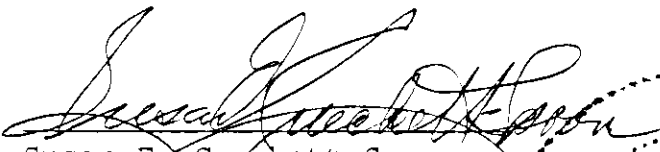
THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS



Thomas G. Winters, Chairman

ATTEST:



Susan E. Crockett-Spoon
County Clerk



APPROVED AS TO FORM:



Richard A. Euson
Assistant County Counselor

PINEHURST ADD
BLOCK 1

$$B = 6051.88$$

$$\text{TOTAL AREA} = 13,460.32 \text{ S.F.}$$

