Planning Agenda #_____

City of Wichita
City Council Meeting
November 7, 2000

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: **V-2124 - REQUEST TO VACATE A 10 FOOT UTILITY EASEMENT LOCATED NORTH OF 37TH STREET NORTH AND WEST OF ROCK ROAD.**
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a 10-foot utility easement.

MAPC Recommendation: Approve vacation of a 10-foot utility easement. (unanimous)

Background: The applicant requests to vacate a utility easement to allow for a boundary shift for future construction of single-family hones. Lots 46 through 50, Block 2, Willowbend 3rd Addition will be shifted into four single-family lots. (See attached site plan) This vacation will ensure no single-family unit will be constructed over a utility easement.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

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

IN THE MATTER OF THE VACATION OF A 10-FOOT UTILITY EASEMENT	)	
GENERALLY LOCATED NORTH OF 37TH STREET NORTH AND WEST OF ROCK ROAD	)	Case No. V-2124
MORE FULLY DESCRIBED BELOW	)	

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METROPOLITAN PLANNING
ROUTE

VACATION ORDER

NOW on this 7th day of November, 2000, comes on for hearing the petition for vacation filed by Leewood Homes, Inc., and JMC, Inc., praying for the vacation of the following described a 10-foot utility easement , to-wit:

A 10 foot tract of land centered on the common line between Lots 48 and 49, Block 2, Willowbend 3rd Addition to Wichita, Sedgwick County, Kansas, common line described as follows: Commencing at the Northwest corner of said Lot 49; thence S 55°25'15"E, 10 feet along the Northeast line of said Lot 49 to the point of beginning; thence continuing along said Northeast line S 55°25'15"E, 95 feet to the point of termination located 10 feet Northwest of East corner of said Lot 49.

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 Wichita Eagle on October 16, 2000, which was at least 20 days prior to the public hearing.

2. No private rights will be injured or endangered by the vacation of the above-described a 10-foot 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 a 10-foot utility easement described herein should be approved, subject to the following condition:

A) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 7th day of November 2000, ordered that the above-described a 10-foot 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.

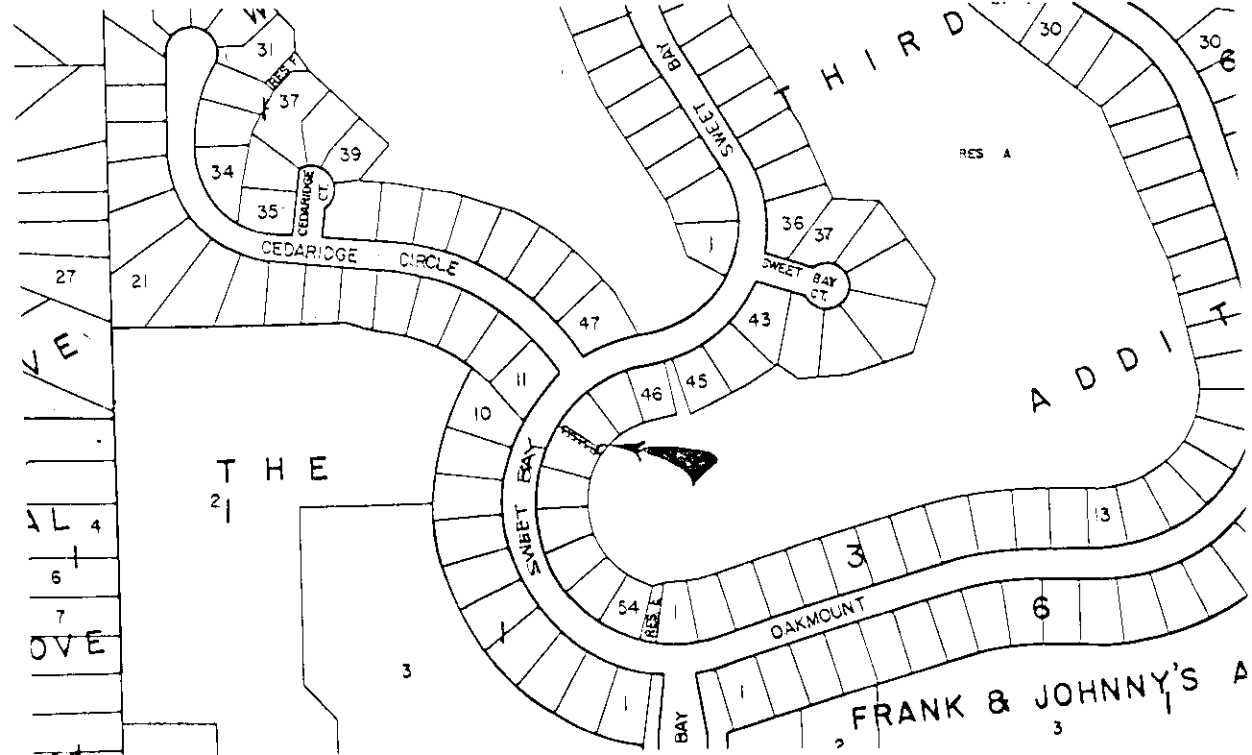
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law


CEDARIDGE CIRCLE
CEDARIDGE CT.
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SWEET BAY CT.
OAKMOUNT
FRANK & JOHNNY'S A
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