

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2117 REQUEST TO VACATE A UTILITY EASEMENT
BETWEEN LOTS 2 & 3, BLOCK C, BARRINGTON CORNER LOCATED IN
AN AREA SOUTHWEST 21ST STREET NORTH AND RIDGE.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*Mikhael
DS DE*

Staff Recommendation: Approve the vacation of utility easement between Lots 2 & 3 Block C.

MAPC Recommendation: Approve the vacation of utility easement between Lots 2 & 3, Block C.
(unanimous)

Background: The applicant is requesting to vacate the platted utility easement. The utility easement is between lots 2 and 3, Barrington Corner 2nd Addition. If reduced to a 10 foot easement, the vacation would allow duplexes on the lots to be built.

Public Works and private utility companies reviewed and approved the vacation request. The Subdivision Committee and the MAPC both voted unanimously to approve the requested vacation of the platted utility easement.

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.

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CITY CLERK'S ORIGINAL
RETURN TO CITY CLERKRECORDED
INDEXED
OCT 13 1998

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FILED 855 PAGE 538

BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS*J. Brehm*
DeputyIN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT BETWEEN LOTS 2 & 3,)
BLOCK C)GENERALLY LOCATED)
SOUTHWEST CORNER OF 21ST & RIDGE)MORE FULLY DESCRIBED BELOW)

Case No. V-2117

STATE OF KANSAS) ss
SEDCWICK COUNTY)

DEC 3 11 46 AM '98

BILL HEEK
REGISTER OF DEEDSMICROFILMED
OF RECORD

VACATION ORDER

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Barrington Partners, LLC and Lawrence Development, LLC, praying for the vacation of the following described utility easement Lots 2 & 3, Block C, to-wit:

Vacate the utility easement between Lot(s) 2 & 3; Block(s) C, Barrington corner 2nd Addition, Wichita, Sedgwick County, KS except the south 10' utility easement and the north 15' sanitary sewer easement.

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 9-22-98, 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 lots 2 & 3, Block C, 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 lots 2 & 3, Block C described herein should be approved, subject to the following condition:

*City Clerk*150003
800-
OK

Vacation Order
V - 2117

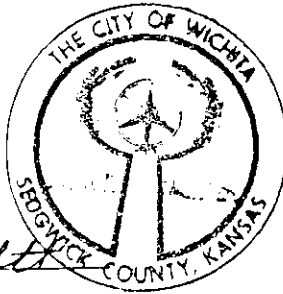
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- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 1998, ordered that the above-described utility easement between lots 2 & 3, Block C 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.

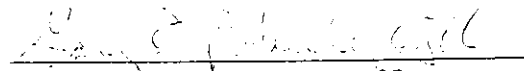
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



21 ST ST. No.

