Planning Agenda #_____

City of Wichita
City Council Meeting
June 22, 1999

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: **V- 2172 - REQUEST TO VACATE 10 FOOT UTILITY EASEMENT LOCATED IN AN AREA EAST OF BROADWAY AND NORTH OF MACARTHUR ROAD.**
(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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

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

Background: The applicant is requesting to vacate a 10-foot utility easement to allow the construction of a commercial building.

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 the applicant meeting with KG&E about the relocation of the utility pole(s) in this easement. KG&E has submitted a letter allowing the easement to be vacated. 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 Mayor to sign.

dupl

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

IN THE MATTER OF THE VACATION OF 10 FOOT UTILITY EASEMENT	)	
GENERALLY LOCATED EAST OF BROADWAY AND NORTH OF MACARTHUR ROAD	)	Case No. V-2172
MORE FULLY DESCRIBED BELOW	)	

VACATION ORDER

NOW on this 22nd day of June, 1999, comes on for hearing the petition for vacation filed by Jim Barnum, praying for the vacation of the following described 10 foot utility easement, to-wit:

The platted 10 foot wide utility easement centered on the lot line common to Lots 1 and 2, "Barnum Addition," Wichita, Sedgwick County, Kansas, except the north 5 feet thereof, and except the south 15 feet thereof.

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 on April 20, 1999, 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 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 the 10-foot utility easement described herein should be approved, subject to the following condition:

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of June 1999, ordered that the above-described 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.

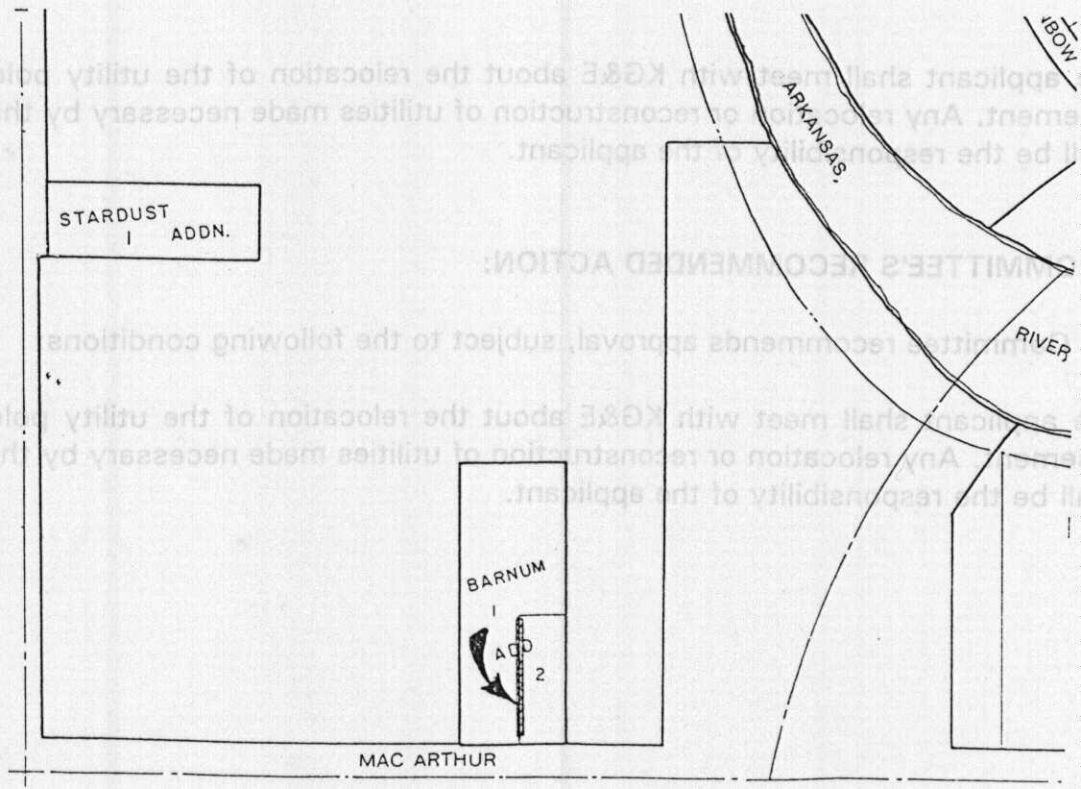
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law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1 ADDN.
ARKANSAS
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1
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