Planning Agenda #_____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: **V-2168 - REQUEST TO VACATE UTILITY EASEMENT LOCATED NORTHWEST OF WILD ROSE & FOREST LAKES.**
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements.

MAPC Recommendation: Approve vacation of utility easements. (unanimous)

Background: The applicant is requesting to vacate a utility easement to allow for property line shifts for Lots 69-87 of the Forest Lakes Addition, which was platted in 1993.

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. The approval was subject to the conditions that the north 10-feet of the utility easement between Lots 70 & 71 and the north 20-feet of the utility easement between Lots 80 & 81 be retained as a utility easement and that new utility easements be dedicated between Lots 171 & 172 and 180 & 181, Block 4, Forest Lakes Addition. No written protests have been filed.

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

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

Approved / Accepted By City Council

This SEP 10 2002

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

IN THE MATTER OF THE VACATION OF UTILITY EASEMENTS	)	
GENERALLY LOCATED NORTHWEST CORNER OF WILD ROSE AND FOREST LAKES	)	Case No. V-2168
MORE FULLY DESCRIBED BELOW	)	

RECEIVED
SEP 13 2002
METROPOLITAN PLANNING
ROUTE 8

VACATION ORDER

NOW on this 10th day of September, 2002, comes on for hearing the petition for vacation filed by Forest Lakes Inc., praying for the vacation of the following described utility easements, to-wit:

Vacate 5 feet on either side of the following described center line beginning at the southeast corner of Lot 70, Block 4, Forest Lakes an addition to Wichita, Sedgwick County, Kansas thence north along the east line of said Lot 70 a distance of 110.00 feet to the point of ending.

Also vacate 5 feet on either side of the following described centerline: beginning at the most southerly corner of Lot 80, Block 4, Forest Lakes an addition to Sedgwick County, Kansas thence N50°32'31"E along the southerly line of said Lot 8 a distance of 137.89 feet to the point of ending.

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 April 8, 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 utility easements, 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. Retain the north 10-feet of the utility easement between Lots 70 & 71, Block 4, Forest Lakes Addition and retain the north 20-feet between Lots 80 & 81, Block 4, Forest Lake Addition, an addition to Wichita, Sedgwick County, Kansas

6. The vacation of the utility easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September 2002, ordered that the above-described utility easements are 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.

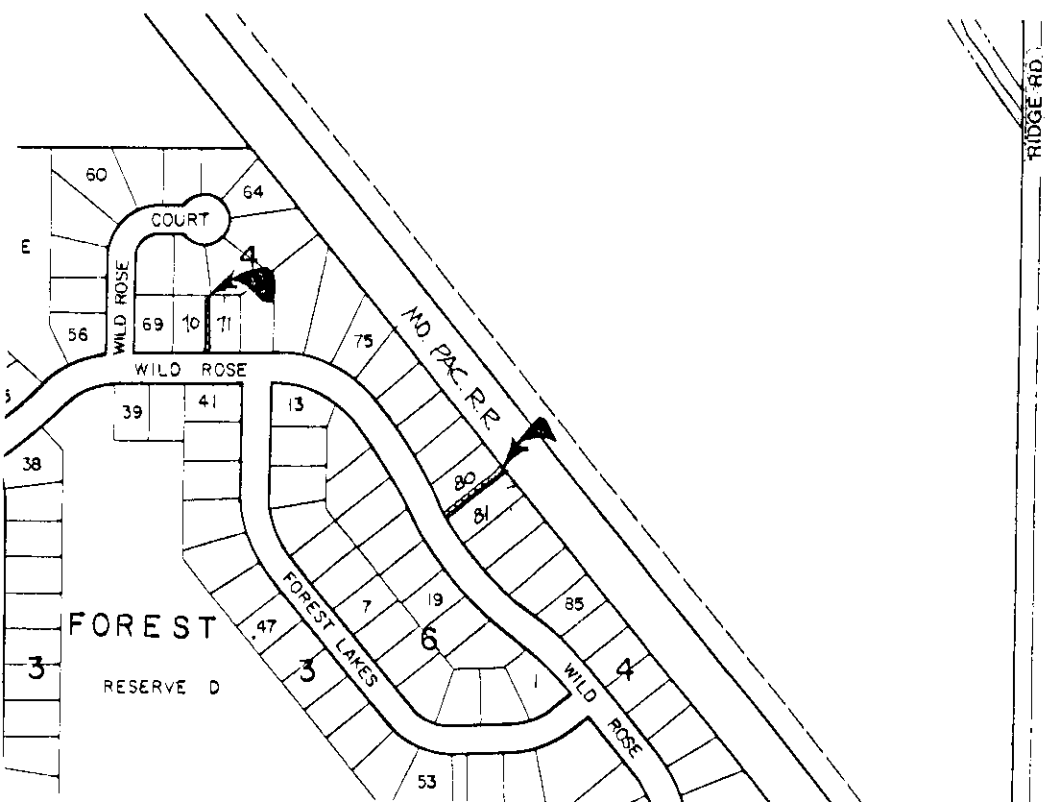
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law



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