

Planning Agenda # _____

City of Wichita
City Council Meeting
April 6, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2150 - REQUEST TO VACATE A UTILITY EASEMENT
LOCATED AT THE SOUTHEAST CORNER OF 33RD
STREET NORTH AND AMIDON. (District IV)

INITIATED BY: Metropolitan Area Planning Department *M. K. Holt*
4/1/99

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant is requesting to vacate a utility easement, in order to allow for the construction of a single-family home on-site. The applicant has submitted lot splits for the eastern half of Lots 1 and 2, Block D, Riverdale Addition.

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 applicant has met all of the conditions of the lot splits, which included dedicating an utility easement and a KG&E easement. 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.

Aspl

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)
)
GENERALLY LOCATED) **Case No. V-2150**
SOUTHEAST CORNER OF 33RD STREET)
NORTH AND AMIDON)
)
MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 6th day of April, 1999, comes on for hearing the petition for vacation filed by William A. And Katherine Starnes, praying for the vacation of the following described utility easement, to-wit:

The south 5 feet of the east 147 feet, except the east 8 feet thereof, of Lot 1, Block D, Riverdale Addition, Sedgwick County, Kansas; and, the north 5 feet of the east 147 feet; except the east 8 feet thereof, of Lot 2, Block D, River Addition.

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 January 15, 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 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 utility easement described herein should be approved, subject to the following condition:

- A) The applicant shall meet all the conditions of approval of the lot splits (LS-0994 and LS-0995).
- B) 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 6th day of April, 1999, ordered that the above-described 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.

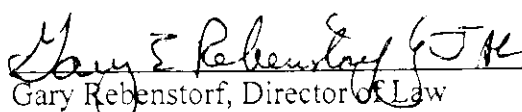
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

N AMIDON
MEDICAL
CENTER
ADD.

WOMER

PLEASANT
B

PRITCHARD
ADD.

THIRTY FOURTH ST.

VALLEY
A

ADD.

THIRTY THIRD

DICKE ADD.

AMIDON AVE.



R I V E R

R D A L E

J. E. SANBORN'S REPLAT OF

PART OF RUSSELL TRACTS

E.W. KEITH

REPLAT OF

PART OF RUSSELL TRACTS

THIRTY SECOND ST.

12
RUSSELL
TRACTS

WHEELER'S

FRED E.