

Planning Agenda # _____

**City of Wichita
City Council Meeting
November 14, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00037- REQUEST TO VACATE 20-FOOT UTILITY
EASEMENT GENERALLY LOCATED NORTH OF
KELLOGG AND WEST OF WOODCHUCK (8100 WEST
KELLOGG)
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of 20-foot utility easement.

MAPC Recommendation: Approve vacation of 20-foot utility easement. (unanimous)

Background: The applicants are requesting to vacate a 20-foot utility easement for the construction of a storage building and a parking lot. This easement runs along the shared boundary lines of Lots 6 and 7 to the north and Lot 2 to the south of the Carriage House Plaza Addition. All three lots are under the same ownership and the Applicant proposes to utilize the existing easement as buildable land.

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 submitting a restrictive covenant that ties together Lots 2, 6 and 7 "pursuant to the MAPC hearing, the required restrictive covenant has been provided." . No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and restrictive covenant 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.

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

**IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT**

**GENERALLY LOCATED
NORTH SIDE OF KELLOGG DRIVE, WEST OF
WOODCHUCK**

MORE FULLY DESCRIBED BELOW

Case No. VAC2000-00037

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VACATION ORDER

NOW on this 14th day of November, 2000, comes on for hearing the petition for vacation filed by Wallace and Rowlen Enterprises, LLC; c/o Rita Rowlen and Linda Wallace, praying for the vacation of the following described utility easement , to-wit:

The south 10 feet of Lots 6 & 7, Block 1 & the north 10 feet of Lot 2, Block 1, Carriage House Plaza Addition to Wichita, Sedgwick County, Kansas EXCEPT the east 10 feet of said utility 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 Wichita Eagle on August 29, 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 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.

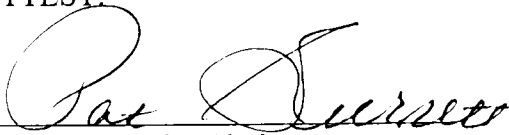
5. The vacation of utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of November 2000, 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.



Bob Knight, Mayor

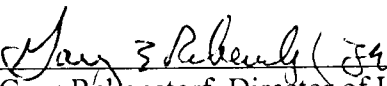
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

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