

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 11, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2220 - REQUEST TO VACATE A PORTION OF A PLATTED
UTILITY EASEMENT LOCATED NORTH OF 31ST STREET
SOUTH ON THE WEST SIDE OF HILLSIDE.
(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of a portion of a platted utility easement.

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

Background: The applicant is requesting to vacate 15 feet of an 80-foot platted utility easement. The applicant wishes to develop this site for retail use.

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 verifying the location of the existing sewer manhole center relative to the north property line and the depth of the existing sewer. 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 necessary signatures to sign.

This APR 11 2000

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED UTILITY)
EASEMENT)**

**GENERALLY LOCATED)
NORTH OF 31ST STREET SOUTH ON THE WEST)
SIDE OF HILLSIDE)**

Case No. V-2220

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 11th day of April, 2000, comes on for hearing the petition for vacation filed by Phoukhet and Tanh Sysounthorn, praying for the vacation of the following described a portion of a platted utility easement, to-wit:

The north 15 feet of the 80-foot utility easement on Lot 2, Block A, Hillside Heights Addition, Wichita, Sedgwick County, Kansas.

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 February 22, 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 portion of a platted 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 a portion of a platted utility easement described herein should be approved, subject to the following condition:

- A) The applicant shall verify the location of the existing sewer manhole center relative to the north property line and the depth of the existing sewer.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of April 2000, ordered that the above-described a portion of a platted 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.

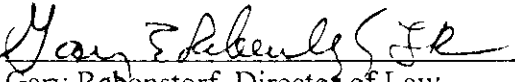
ATTEST:

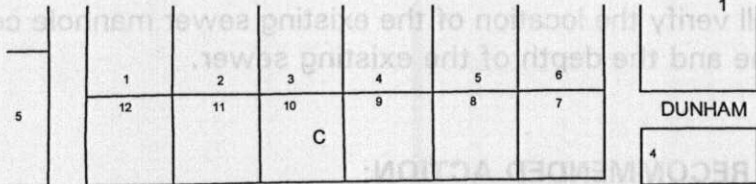

Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:

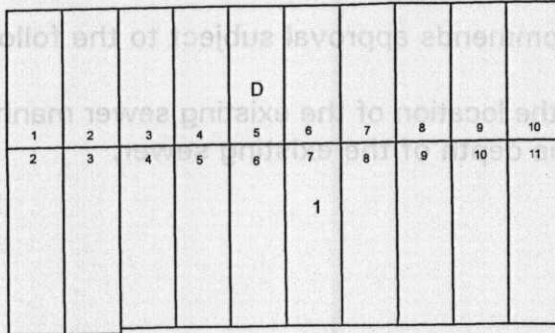

Gary Rebenstorf, Director of Law



DUNHAM

DRIVE

AVENUE



31ST

STREET

SOUTH

