

Planning Agenda # _____

City of Wichita
City Council Meeting
May 8, 2001

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00012 - REQUEST TO VACATE UTILITY
EASEMENTS AND FIRE LANES LOCATED AT THE
NORTHEAST CORNER OF 37TH STREET NORTH &
SENECA.
(District VI)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements and fire lanes.

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

Background: The applicant is requesting consideration to vacate utility easements and fire lanes in Lot 1, Sherwood Village Addition. The property is undeveloped. The applicant proposes to sell the property and develop it as a church. The current plat (approved by WCC, 02-08-83) was for multifamily development, showing multiple pad sites with abutting utility easements and fire lanes. The proposed development of a church would encroach on the platted utility easements and fire lanes.

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. 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.

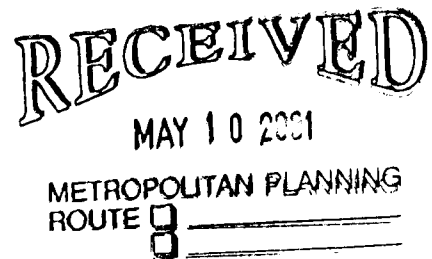
**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

**IN THE MATTER OF THE VACATION OF
UTILITY EASEMENTS AND FIRE LANES**

**GENERALLY LOCATED
NORTHEAST CORNER OF 37TH STREET NORTH
AND SENECA**

MORE FULLY DESCRIBED BELOW

Case No. VAC2001-00012



VACATION ORDER

NOW on this 8th day of May, 2001, comes on for hearing the petition for vacation filed by George D. Blume, praying for the vacation of the following described utility easements and fire lanes, to-wit:

All public utility easements & fire lane easements as shown in Lot 1, Sherwood Village Addition, Sedgwick County, Kansas except the 10-ft KG&E easement of generally located as running parallel to IH 235

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 March 29, 2001, 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 fire lanes, 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.

The vacation of utility easements and fire lanes described herein should be approved, subject KG&E needs to retain 10-ft KG&E easement as noted on plat, per reference film 45, page 539, generally located as running parallel to IH 235.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of May 2001, ordered that the above-described utility easements and fire lanes 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.

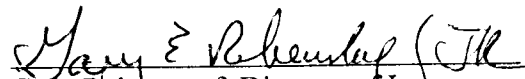
ATTEST:


Pat Burnett, City Clerk


Bob Knight, Mayor



Approved as to Form:


Gary Rebenstorf, Director of Law

