

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 10, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00008 - REQUEST TO VACATE A 10-FOOT
UTILITY EASEMENT LOCATED ON AT THE SOUTHEAST
CORNER OF BEKEMEYER AND TYLER.**
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of a 10-foot utility easement.

MAPC Recommendation: Approve vacation of a 10-foot utility easement. (unanimous)

Background: The applicant is requesting vacation of a 10-ft KG&E easement. The applicant proposes to build an additional wing onto the existing Ascension Lutheran Church, which will encroach on the KG&E easement. The applicant has a witnessed Partial Release of right-of-way agreement with KG&E (10-20-01) in reference to KG&E utility. The KG&E easement is recorded on the Ascension Lutheran Church Addition Plat (June, 1997) and therefore the applicant must vacate the easement as well as obtain the Partial Release of right-of-way.

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 all improvements shall be done according to City Standards. 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.

**IN THE MATTER OF THE VACATION OF
10-FOOT UTILITY EASEMENT**

**GENERALLY LOCATED
SOUTHEAST CORNER OF BEKEMEYER AND
TYLER**

Case No. VAC2001-00008

MORE FULLY DESCRIBED BELOW

NOW on this 10th day of April, 2001, comes on for hearing the petition for vacation filed by Ascension Lutheran Church, praying for the vacation of the following described 10-foot utility easement, to-wit:

The East ten (10) feet of the West 394 feet of the South 172 feet of a tract described as follows:
The North 450 feet of the West 484 feet of the South half of the Southwest Quarter (S/2 SW/4)
of Section 16, Township 27 South, Range 1 West of the 6th PM., Sedgwick County.

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:

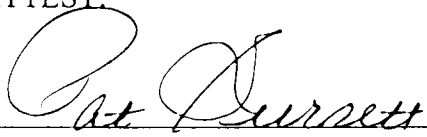
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on March 2, 2001, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a 10-foot utility easement, 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 a 10-foot utility easement described herein should be approved, subject all improvements shall be done according to City Standards.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of April 2001, ordered that the above-described 10-foot 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



Scale: 1"=100'

• Iron

