

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 20, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00002 - REQUEST TO VACATE UTILITY
EASEMENT LOCATED SOUTH OF 21ST STREET BETWEEN
ROCK ROAD AND WEBB ROAD.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicants are requesting to vacate a utility easement that is interior to property owned by the applicants. The applicants wish to construct a residence that will straddle Lots 3 & 4, Block 1, Wilson Farms 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. 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)
UTILITY EASEMENT)

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) **Case No. VAC2001-00002**
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NOW on this 20th day of March, 2001, comes on for hearing the petition for vacation filed by Wilson Residential Company, LLC., and Kris and Diane Lewonowski, praying for the vacation of the following described utility easement, to-wit:

All of the 10.00 foot utility easement, between Lots 3 and 4, Block 1, Wilson Farms addition, an addition to Wichita, Sedgwick County, Kansas; EXCEPT the west 20.00 feet of said 10.00 foot utility easement.

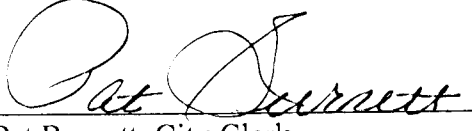
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on February 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 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of March 2001, 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

