

Planning Agenda # _____

**City of Wichita
City Council Meeting
December 19, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2000-00055 - REQUEST TO VACATE UTILITY
EASEMENT LOCATED NORTHWEST CORNER OF HARRY
AND ST. PAUL (1539 S. ST. PAUL)
(District IV)**

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 applicant is requesting to vacate a utility easement that is interior to property that she owns. She wishes to allow for the expansion of facilities.

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, the applicant shall assume the ownership, maintenance and responsibility of the sanitary sewer line. 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**

**GENERALLY LOCATED
NORTHWEST CORNER OF HARRY AND ST.
PAUL (1539 S. ST. PAUL)**

Case No. VAC2000-00055

MORE FULLY DESCRIBED BELOW

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METROPOLITAN PLANNING
ROUTE 2

NOW on this 19th day of December, 2000, comes on for hearing the petition for vacation filed by Doris Nelson, praying for the vacation of the following described utility easement, to-wit:

The 20 foot utility easement retained in vacated alley right-of-way adjacent to the west line of odd lots 145 through 189 on Smithson (now St. Paul Street) inclusive, Richmond's 3rd Addition to Wichita, Kansas, except the south 20 feet thereof.

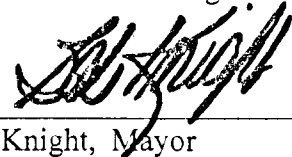
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on November 17, 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, subject to the following condition:

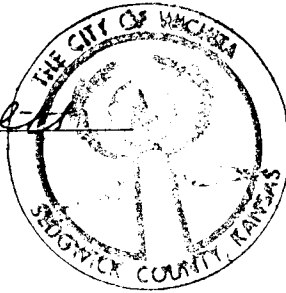
- A) The applicant shall assume the ownership, maintenance and responsibility of the sanitary sewer line.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of December 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.

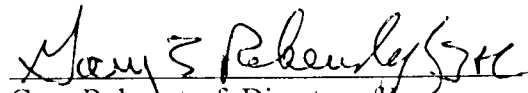


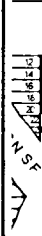
Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk

Approved as to Form:


Gary Rebenstorf, Director of Law



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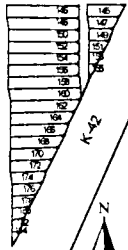
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