

Planning Agenda # _____

City of Wichita
City Council Meeting
January 23, 2001

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00051-REQUEST TO VACATE UTILITY
EASEMENT LOCATED NORTH OF HARRY, EAST SIDE OF
SENECA. (District IV)

INITIATED BY: Metropolitan Area Planning Department *M. Khat*

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 owned by the applicant.

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 a guarantee being submitted for the abandonment of the sanitary sewer line, and subject to the applicant granting a temporary easement by separate instrument until abandonment of utility lines is complete; or certifying that the sanitary sewer line has been abandoned before approval by the Wichita City Council. No written protests have been filed. The temporary easement has been submitted.

Legal Considerations: A certified copy of the Vacation Order and the easement instrument 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.

[illegible]

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 conditions:

- A) A guarantee shall be submitted for the abandonment of the sanitary sewer line. The applicant shall grant a temporary easement by separate instrument until abandonment of utility lines is complete; or
- B) The applicant shall certify abandonment of the sanitary sewer line to Public Works and Water and Sewer Systems staffs before approval by the Wichita City Council.
- C) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of January 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.

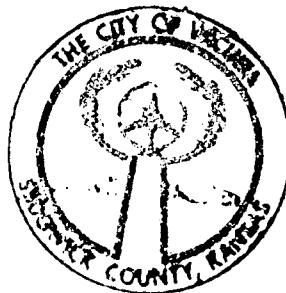


Bob Knight, Mayor

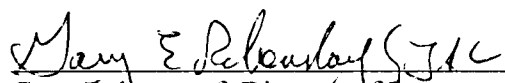
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



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