

Planning Agenda # _____

City of Wichita
City Council Meeting
July 16, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00018 - REQUEST TO VACATE A 45-FOOT SEWER
EASEMENT, DEDICATED BY SEPARATE EASEMENT,
LOCATED EAST OF 135TH STREET WEST AND NORTH OF
MAPLE
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Khout

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant proposes to build a single-family residence, with approximately half of the structure encroaching into the 45-foot sewer easement. The 45-foot sewer easement is not shown on the plat, but was dedicated by separate instrument. The vacation of the 45-foot easement will not affect the 20-foot easement or the 50-foot Cities Service Pipeline Easement that run parallel and adjacent to the west side of the subject property. The existing sewer & manhole in the 45-foot easement was abandoned and this process was reviewed and approved by the City Engineer.

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 and the conditions that the sewer line and the manhole in the 45-foot sewer easement be abandoned according to City standards as reviewed and approved by the City Engineer or provide a guarantee that the sewer line and manhole are abandoned according to City standards as reviewed and approved by the City Engineer, retain both the 20-foot utility easement and the portion of the 50-foot cities Service Pipeline Easement that run parallel and adjacent to the west property line of Lot 5, block 4, Rainbow Lakes West 3rd Addition, where they intersect with 45-foot sewer easement.

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

**IN THE MATTER OF THE VACATION OF
SANITARY SEWER EASEMENT**

**GENERALLY LOCATED
NORTH OF DOUGLAS AND EAST OF 135TH
STREET WEST**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2002-00018**
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VACATION ORDER

NOW on this 16th day of July 2002, comes on for hearing the petition for vacation filed by Brent & Kenny Fields, praying for the vacation of the following described sanitary sewer easement, to-wit:

The 45-foot sewer easement as dedicated by separate instrument, Film 473, Page 852, which runs parallel and adjacent to the northerly property line of Lot 6, Block 4, Rainbow Lakes West 3rd Addition.

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:

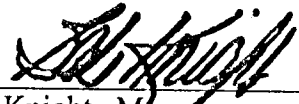
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on May 16, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described sanitary sewer easement, 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 the sanitary sewer easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of sanitary sewer easement 2002, ordered that the above-described sanitary sewer 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

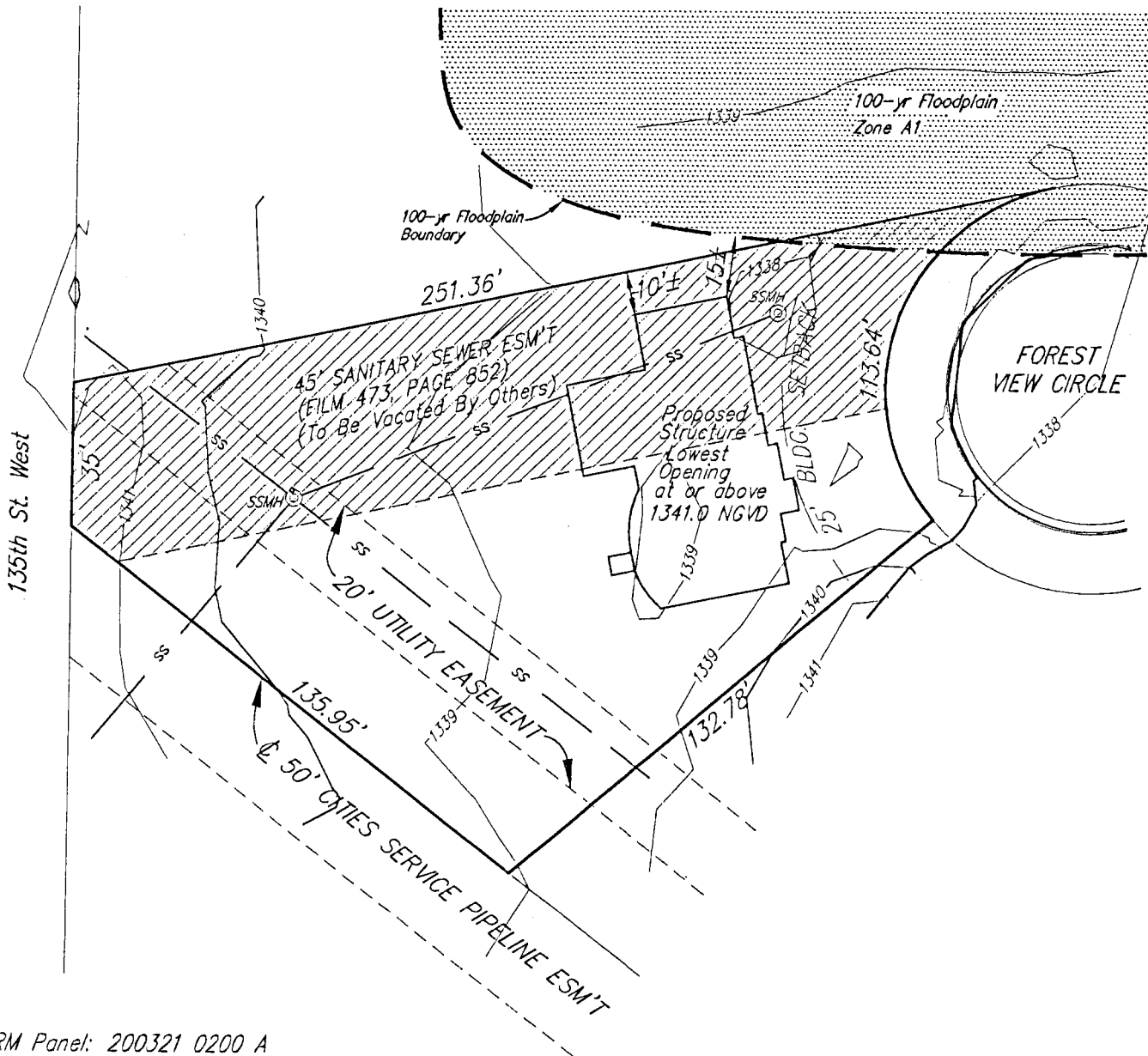
Approved as to Form:


Gary Rebenstorf, Director of Law

PROPOSED VACATION OF SANITARY SEWER EASEMENT EXHIBIT
LOT 5, BLOCK 4
Rainbow Lakes West Third Addition

SCALE: 1" = 40'

Easement to be vacated description: The northwesterly 45' (parallel and adjacent to the northerly lot line) of Lot 5, Block 4, Rainbow Lakes West 3rd Addition.



FIRM Panel: 200321 0200 A
Base Flood Elevation (B.F.E.) = 1340.0 NGVD
FIRM Zone(s): A1, C
DWG FILE: F:\MT\0204\0204098C-MAW
Date: April 22, 2002