Planning Agenda #_____

City of Wichita
City Council Meeting
June 4, 2002

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: **VAC2002-00010 - REQUEST TO VACATE PORTION OF A 20-FOOT UTILITY EASEMENT LOCATED NORTHEAST OF THE PAWNEE – MAIZE ROAD INTERSECTION.** (District V)

INITIATED BY: Metropolitan Area Planning Department M. Kraft Pate

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

Background: The applicant proposes to build a swimming pool. The proposed pool will encroach 5 feet into the platted 20-foot easement, which runs along the rear of the lot. There is a manhole in the west portion of the easement, which causes the length of vacation to end 20 feet short of the northwest lot corner.

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.

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METROPOLITAN PLANNING
ROUTE

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

IN THE MATTER OF THE VACATION OF A PORTION OF A 20-FOOT UTILITY EASEMENT	
GENERALLY LOCATED NORTHEAST OF THE WEST PAWNEE - SOUTH MAIZE INTERSECTION	**Case No. VAC2002-00010**
MORE FULLY DESCRIBED BELOW	

VACATION ORDER

NOW on this 4th of June, 2002, comes on for hearing the petition for vacation filed by Gerald Singer, praying for the vacation of the following described a portion of a platted 20-foot utility easement, to-wit:

> Beginning at the northeast side of the property line of Lot 32, Block 1, Prairie Woods Addition, for a distance of 129-feet going west, vacate the south 5-feet of the platted 20-foot utility easement running parallel to the north property line of Lot 32, Block 1, Prairie Woods 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 April 18, 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 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 portion of a 20-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th of June 2002, ordered that the above-described a portion of a 20-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.

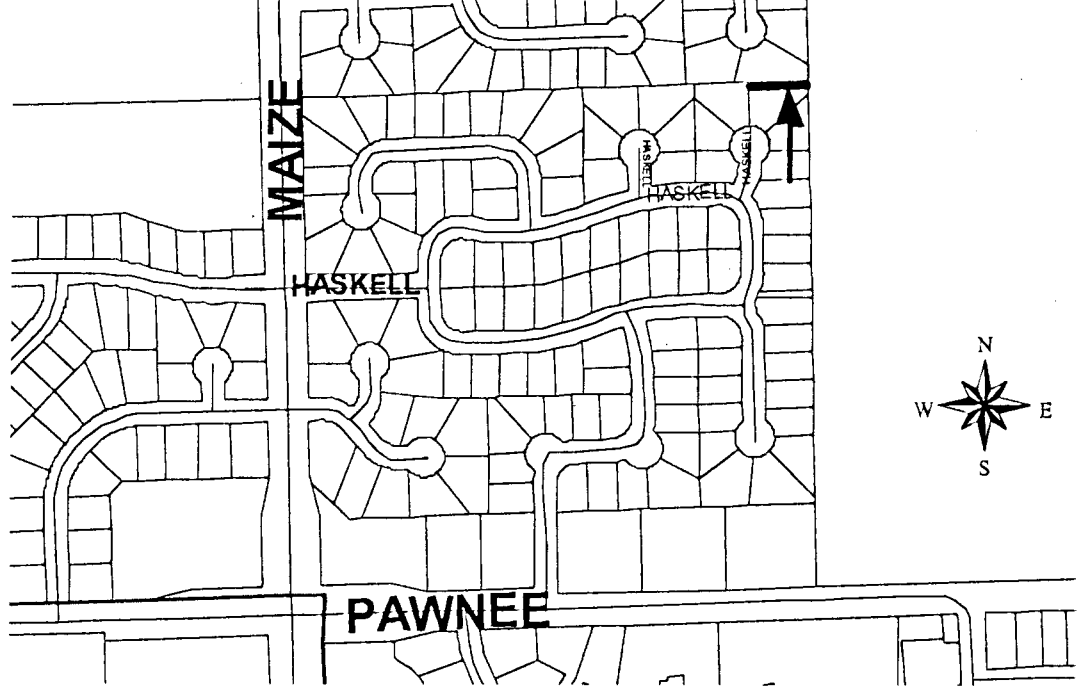
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law


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