

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 13, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2122 REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED ON THE SOUTHSIDE OF FOREST LAKES COURT WEST OF FOREST LAKES.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

*M. White
b. 10/13/98*

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 1.5 foot portion of a utility easement to allow the construction of a new home on-site. Currently there is approximately 40 foot wide utility easement on the rear portion of Lot 41, Block 2, Forest Lakes.

Public Works has approved the vacation of this building setback. This vacation request was approved by the MAPC on September 10th.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order.

J. Brelan
Deputy

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

1998

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)
)
GENERALLY LOCATED)
SOUTHSIDE OF FOREST LAKES COURT)
WEST OF FOREST LAKES)
)
MORE FULLY DESCRIBED BELOW)

Case No. V-2122



STATE OF KANSAS)
SEDGWICK COUNTY) ss

Dec 3 11 45 AM '98

BILL MEER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 13th day of October, 1998, comes on for hearing the petition for vacation filed by Robert Abell, c/o Marvin Schellenberg, praying for the vacation of the following described utility easement, to-wit:

The vacation of a portion of a utility easement located in Lot 41, Block 2, Forest Lakes, described as follows:

The north 10 foot the west 20 feet of the east 30 feet of said easement.

**MICROFILMED
OF RECORD**

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 Daily Reporter of notice of this one time 9-22-98, which was at least 20 days prior to this 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 the utility easement described herein should be approved, subject to the following condition:

8.00 ch

City Clerk

150003
8.00
ck

Vacation Order
V - 2122

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- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of October, 1998, 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

 Bob Knight, Mayor

ATTEST:

Pat Burnett

 Pat Burnett, City Clerk

State of Kansas
 Sedgwick County

Approved as to Form:

OCT 13 1998
Pat Burnett

Gary Rebenstorf

 Gary Rebenstorf, Director of Law



