

Planning Agenda # _____

City of Wichita
City Council Meeting
March 16, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2157 REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED IN AN AREA SOUTH OF 37TH STREET NORTH AND EAST OF CAMERON (3520 N. CAMERON). (District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*MKLOUT
3/16/99*

Staff Recommendation: Approve vacation of a portion of a utility easement.

MAPC Recommendation: Approve vacation of a portion of a utility easement. (unanimous)

Background: The applicant is requesting to vacate a portion of a utility easement to allow the construction of a swimming pool.

The Subdivision Committee and Planning Commission approved the request, subject to the applicant dedicating an additional six feet of utility easement on the east side of the existing easement to maintain a 20 foot wide utility easement and also that the swimming pool be constructed no closer to any utility lines than five feet. No one spoke in opposition to this request on the Subdivision meeting or the MAPC.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; accept the dedication of the utility easement; approve the Vacation Order and authorize the Mayor to sign.

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

IN THE MATTER OF THE VACATION OF)	
A PORTION OF A UTILITY EASEMENT)	
)	
GENERALLY LOCATED)	Case No. V-2157
SOUTH OF 37TH STREET NORTH AND EAST)	
OF CAMERON (3520 N. CAMERON))	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 16th day of March, 1999, comes on for hearing the petition for vacation filed by Steven R. and Angela Sue Lane, praying for the vacation of the following described a portion of a utility easement, to-wit:

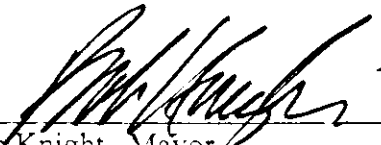
The west 6 feet of the 20 foot platted utility easement on Lot 17, Block 2, Willowood an Addition to Wichita, Sedgwick County, Kansas.

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 on February 19, 1999, 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 a portion of a 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 utility easement described herein should be approved, subject to the following condition:

- A) The applicant shall dedicate an additional six feet of utility easement along the eastern edge of the utility easement. This dedication shall be for the entire length of the applicant's property and therefore, this utility easement will be 20 feet wide.
- B) The swimming pool shall not be located closer than five feet to any underground utility lines.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of March, 1999, ordered that the above-described a portion of a 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

