

Planning Agenda # _____

City of Wichita
City Council Meeting
February 15, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2203 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF SENECA STREET AND 31ST STREET SOUTH. (District IV)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. K. Holt
District*

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 16-foot utility easement and a 10-foot sanitary sewer easement for future development on this site. 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, and several conditions. The applicant must dedicate, by separate instrument, additional utility easement, must relocate any existing KGE electric equipment to the additional utility easement, and covenant together lots of the two additions to eliminate the need for additional east-west sewer easement. No written protests have been filed.

Legal Considerations: The Certificate of Petitions, restrictive covenant, and 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 Documents and authorize the appropriate signatures.

Dezel

**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-2203
NORTHEAST CORNER OF SENECA STREET)	
AND 31ST STREET SOUTH)	
)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 15th day of February, 2000, comes on for hearing the petition for vacation filed by Bencor Investments, LLC, c/o Rex Marrison; Joseph G. Brown, praying for the vacation of the following described a portion of a utility easement, to-wit:

The east 6.00 feet of the 10-foot utility easement as granted in Lot 1, R.D. Martens Addition, Wichita, Sedgwick County, Kansas, EXCEPT the north 20.00 feet thereof. AND
A strip of real estate 10 feet in width, being 5 feet on either side of a center line, to wit:
Beginning on the west line of Lot 1, Brentari Addition to the City of Wichita, Sedgwick County, Kansas, 256 feet north of the center line of 31st Street South, thence in an easterly direction to a point 50 feet west of and 196 feet north of the southeast corner of said Lot 1. (Recorded in Misc. Book 525, at page 152). AND
The ease 4.00 feet of the 8 foot utility easement as granted in Lot 1, Brentari Addition, Wichita, Sedgwick County, Kansas, EXCEPT that part platted as R.D. Martens Addition, 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 October 5, 1999, 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 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 the a portion of a utility easement described herein should be approved, subject to the following conditions:
 - A) The applicant shall dedicate, by separate instrument, **additional utility easement** as indicated on the site plan to include 8 feet of additional easement along the eastern boundary and west of the remaining utility easement on Lots 1 and 2, Chester Miller Addition to Wichita, Sedgwick County, Kansas.
 - B) If KGE has equipment within the easement to be vacated, then the applicant shall be responsible for the **relocation** of KGE electric equipment to the additional utility easement described above.
 - C) The applicant shall **covenant together lots** of the Brentari Addition and the R.D. Martens Addition to Wichita, Sedgwick County, Kansas to eliminate the need for additional east-west sewer easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 15th day of February 2000, 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:

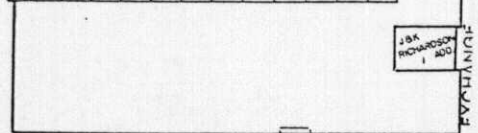
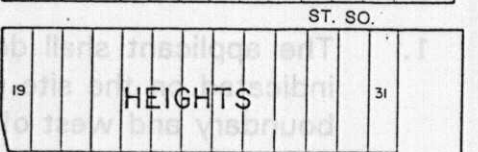
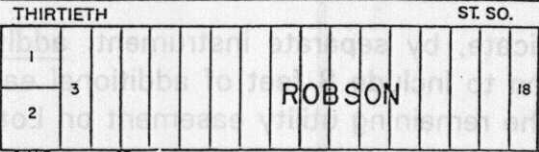
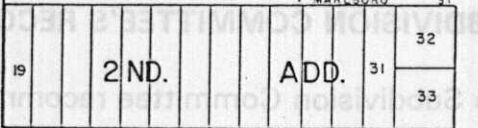
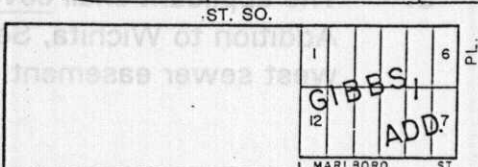
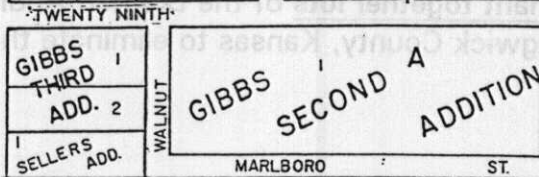
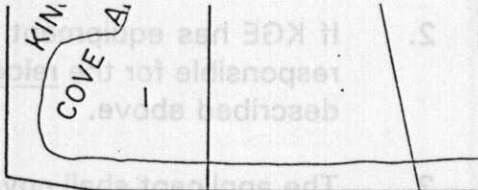
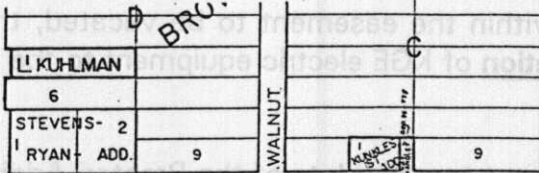


Pat Burnett, City Clerk

Approved as to Form:



Gary Rebonstorf, Director of Law



THIRTY FIRST - ST. SO.