

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 14, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2193 - REQUEST TO VACATE A PORTION OF THE 20 FOOT UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER OF DOUGLAS AND KESSLER STREET. (District IV)

INITIATED BY: Metropolitan Area Planning Department *W. K. ...*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of the 20-foot utility easement.

MAPC Recommendation: Approve vacation of a portion of the 20-foot utility easement. (unanimous)

Background: The applicant is requesting to vacate the southern 10 feet of a 20 foot wide utility easement to allow for the construction of a commercial building on this lot.

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, subject to the applicant dedicating a utility easement which covers the existing man hole on Lot 1. The applicant has provided the required dedication. 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, accept the utility easement dedication and authorize the Mayor to sign.

Dej

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

IN THE MATTER OF THE VACATION OF)	
A PORTION OF THE 20 FOOT UTILITY)	
EASEMENT)	
)	
GENERALLY LOCATED)	Case No. V-2193
NORTHEAST CORNER OF DOUGLAS AND)	
KESSLER STREET)	
)	
)	
<u>MORE FULLY DESCRIBED BELOW</u>)	

VACATION ORDER

NOW on this 14th day of September, 1999, comes on for hearing the petition for vacation filed by Robert D. Wood, praying for the vacation of the following described a portion of the 20 foot utility easement, to-wit:

Commencing at the NW corner of Lot 1, Powell's 9th Addition, Wichita, Sedgwick County, Kansas; thence south, along the west line of said Lot 1, 10 feet for a place of beginning; thence east, parallel with the north line of said Lot 1, 110 feet; thence south, 10 feet; thence west, parallel with the north line of said Lot 1, 110 feet to the west line of said Lot 1; thence north, along the west line of said Lot 1, 10 feet to the place of beginning.

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 August 3, 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 the 20-foot 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 the 20-foot utility easement described herein should be approved, subject to the following condition:

A) The applicant shall dedicate a utility easement, which covers the existing manhole on Lot 1.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of September, 1999, ordered that the above-described a portion of the 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

KESSLER ST.

S.E. COR. LOT 3
MOSLEYS ADD.

EXISTING
STORAGE
UNIT

EXISTING BUILDING
FF 104.7

EXISTING PAVING

EXISTING
24' DRIVE

EXISTING
17' DRIVE

EXISTING
24' DRIVE

