

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 5, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00061 - REQUEST TO VACATE UTILITY EASEMENT LOCATED SOUTHEAST OF THE 13TH STREET NORTH - 119TH STREET WEST INTERSECTION. (District V)

INITIATED BY: Metropolitan Area Planning Department *M. KROTT*

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting the vacation of a 10-foot portion of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12. There are no City or private utilities located in the easement; nor are there plans for utilities to be located in the easement. The applicant proposes to build a two-car garage on this side of the property.

Staff recommends vacating the 10-foot portion of a platted 20-foot utility easement. 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.

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

**IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)**

**GENERALLY LOCATED)
3RD STREET LOT NORTH OF PONDEROSA &)
CARDINGTON WEST SIDE OF STREET)**

Case No. VAC2001-00061

MORE FULLY DESCRIBED BELOW)

RECEIVED

FEB 08 2002

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 5th day of February, 2001, comes on for hearing the petition for vacation filed by Richard I. & Shirley A. Darge, praying for the vacation of the following described utility easement, to-wit:

The 10-foot portion, of a platted 20-foot utility easement between Lots 12 & 13, Briarwood Estates Addition, located on the north side of Lot 12 and ending at its point of intersection with the 40-foot utility easement on the west side and at its point of intersection with the 20-foot utility easement on its east side.

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 January 3, 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 utility easement described herein should be approved.

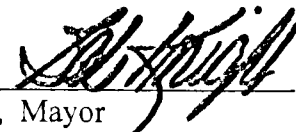
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of February 2002, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:



Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

NW Cor., NW 1/4, SEC. 18,
T27 S, R1 W of the 6th P.M.

2574.00'

13th STREET

N 87°01'01" E

Complete Access Control.
20' Utility Easement

Complete Access Control.
10' Utility Easement

BRIARWOOD

PINE GROVE

PARKRIDGE

CARDINGTON

PONDEROSA

119th St W
Complete Access Control.

N 7°21'20" W
Complete Access Control.

