

City of Wichita
City Council Meeting
Date 11, 2001

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00048 - REQUEST TO VACATE 20-FOOT UTILITY
EASEMENT LOCATED ON SOUTHEAST OF 21ST STREET N
- MAIZE ROAD INTERSECTION ON BELLE VISTA.
(District V)

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

AGENDA ACTION: Planning

Staff Recommendation: Approve the vacation.

MAPC Recommendation: Approve the vacation. (unanimous)

Background: The applicants are requesting consideration to vacate the 20-foot utility easement that runs along their common side lot line, between Lots 7 & 8, Block 2, Graf – Goldston 2nd Addition. There is an existing encroachment on Lot 7, where a swimming pool was built 4-feet deep into the easement for a length of 10-feet. There are no City or Private utilities in this easement. The vacation of the 20-foot utility easement between Lots 7 & 8, Block 2, Graf – Goldston Addition will end at the point of its intersection with the 20-ft utility easement that runs in the south (rear yard) end of Lots 7 & 8, Block 2, Graf – Goldston Addition.

No public or private utility representatives objected to the request and 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.

Depl

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

**IN THE MATTER OF THE VACATION OF)
THE PLATTED 20-FOOT UTILITY EASEMENT)**

**GENERALLY LOCATED)
SOUTHEAST OF THE 21ST STREET NORTH –)
MAIZE ROAD INTERSECTION)**

MORE FULLY DESCRIBED BELOW)

Case No. VAC2001-00048

RECEIVED

DEC 19 2001

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 20th day of November, 2001, comes on for hearing the petition for vacation filed by Kim and Lee Vogel and Long Properties LLC/Evertt Long, praying for the vacation of the following described platted 20-foot utility easement, to-wit:

Utility Easement Vacation Description:

The 20-foot utility easement between Lots 7 & 8, Block 2, Graf- Goldston 2nd Addition, stopping at its point of intersection with the 20-foot utility easement on the south ends– rear yards of Lots 7 & 8, Block 2, Graf – Goldston 2nd Addition.

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 October 18, 2001, 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 he platted 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.

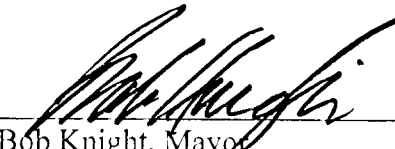
5. The vacation of the platted 20-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of November 2001, ordered that the above-described platted 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.

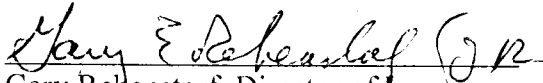
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

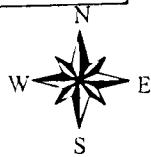
Approved as to Form:


Gary Rebenstorf, Director of Law

MAIZE

20TH

19TH



BELLA VISTA

BELLA VISTA

