

City of Wichita
City Commission Meeting
July 8, 1986

Agenda Report # _____

TO: Mayor and City Commissioners

SUBJECT: V-1380 - REQUEST TO VACATE UTILITY EASEMENT, GENERALLY
LOCATED AT THE SOUTHWEST CORNER OF KELLOGG AND BLUFF.

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve vacation of utility easement.

Background: Ernest H. Doyon, 3941 E. Kellogg, Wichita, KS 67218, is requesting this vacation to satisfy a condition of approval for a Board of Zoning Appeals case.

Analysis: The Planning Commission recommends the City Commission find: (1) that no private rights will be injured or endangered; and (2) the public will suffer no loss or inconvenience by granting by order the vacation, subject to:

1. Proper publication of notice of public hearing;
2. The absence of proper written protest filed with the City Clerk;
3. All proceedings being without cost to the City, County or any utility company;
4. The applicant shall guarantee the abandonment of the sanitary sewer lateral located in the utility easement being vacated;
5. The applicant shall guarantee the construction of a sanitary sewer manhole to terminate the sanitary sewer line;
6. The applicant shall provide the recording information for the separate instrument which granted this easement so this information may be referenced on the Vacation Order;
7. Any relocation or reconstruction of utilities necessitated by this vacation shall be at the sole expense of the applicant;
8. The applicant shall submit a covenant that ties Lots 1, 2, 13 and 14 together for the purpose of providing sanitary sewer service to all lots until such time that a sanitary sewer line touches each lot; and
9. The vacation order shall exclude from vacation the west 10 feet of the application area.

Legal Considerations: The City Clerk certifies as to proper notification and no filing of written protest.

Recommendations/Action: Close public hearing; approve vacation; authorize the Mayor to sign the Vacation Order and record certified copy of Order and covenant, recording costs to be billed to owner.

