

Planning Agenda # _____

**City of Wichita
City Council Meeting
October 15, 1996**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-1988 VACATE A PORTION OF UTILITY EASEMENT LOCATED IN AN
AREA EAST OF 127TH STREET EAST AND NORTH OF CENTRAL,
(District outside City of Wichita)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. K. Hart

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant desires to develop three platted lots as two larger residential building sites. In order to efficiently use the platted lots for this purpose, an existing utility easement between two of the lots must be vacated. Both County Engineering and the utility representatives of the Subdivision Committee indicated that no facilities are located in or planned for the easement. Therefore, the easement may be vacated so as to allow the applicant to build in this area. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions. No members of the public addressed the MAPC in opposition to this request.

Legal Considerations: This request for vacation is located on property outside the City of Wichita, but within three miles thereof. As such, no petition, publication of notification or public hearing is required before the Wichita City Council.

Recommendations/Actions: Approve the vacation request.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)
)
GENERALLY LOCATED) MAPD CASE NO. V-1988
EAST OF 127TH STREET EAST)
AND NORTH OF CENTRAL)
)
)
_____)

VACATION ORDER

NOW on this 23rd day of October, 1996, at 9:00 o'clock A.M. comes on for hearing a petition praying for the vacation of the following-described real property, to wit:

See Attachment A.

WHEREUPON, it is shown that proper notice has been given by publication once each week for three consecutive weeks in the official county newspaper, the first such publication having occurred on October 2, 1996; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613.

THEREAFTER, the Board, having heard all interested parties and being otherwise duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County

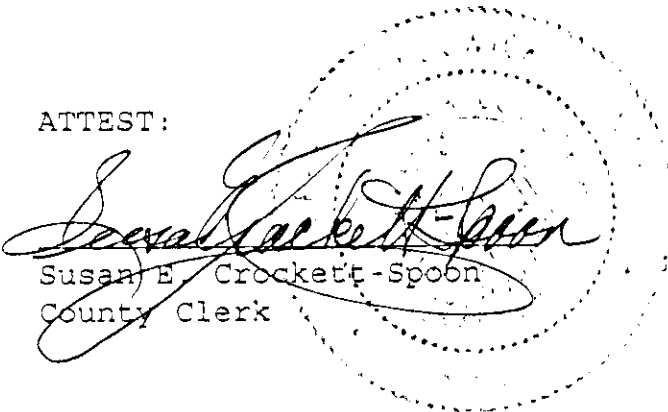
Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

The Board further finds that on the 12th day of September, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 15th day of October, 1996, the Governing Body of the City of Wichita recommended that the said petition be approved.

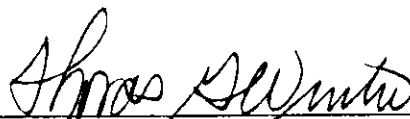
THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS THAT the above-described real property be and the same is hereby vacated.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:



Susan E. Crockett-Spoon
County Clerk



Thomas G. Winters, Chairman

APPROVED AS TO FORM:



Richard A. Euson
Assistant County Counselor

ATTACHMENT A

Commencing at the Southwest corner of said Lot 3; thence N 89°01'51"E, 55.0 feet along the South line of said Lot 3 to the point of beginning; thence N 00°58'09"W, 5.0 feet; thence N 89°01'51"E, 57.53 feet to a point on a curve to the left; thence along said curve 11.52 feet, said curve having a central angle of 11°34'35", a radius of 57.00 feet, and a long chord of 11.50 feet, bearing S 28°35'52"W, thence S 89°01'51"W, 51.86 feet; thence N 00°58'09"W, 5.0 feet to the point of beginning. Said tract contains 0.01 acres more or less.

[illegible]