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RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS: V-1973 Request to vacate a utility easement located South of 13th Street North and west of 127th Street East.

PRESENTED BY: Marvin S. Krout, Director of Planning.

PROPOSED AGENDA DATE: July 24, 1996

COMMISSION DISTRICT # 1

MAPC Recommendation: Approve, subject to conditions. (unanimous)

Staff Recommendation: Approve, subject to conditions.

Background/Discussion: The applicant desires to develop three platted lots as two building sites to accommodate two larger homes. In order to efficiently use the platted lots for this purpose, an existing utility easement between two of the lots must be vacated in order to place a structure in that area. KG&E did have a utility in the easement, but the applicant has made arrangements to relocate the service. County engineering indicated that they do not have any utilities that would be impacted by the vacation. 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.

This request is within 3-miles of the City of Wichita and consequently was scheduled for review by the Wichita City Council. The Wichita City Council heard and approved this vacation.

Recommended Action: Open public hearing to receive public comments; close public hearing approve the vacation order and authorize the chair to sign.

Applicants: Ritchie Development Corp., 8100 E. 22nd Street North - Building 1000, Wichita, KS 67202

Protestors: None

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-1973
EAST OF 13TH STREET NORTH)
AND WEST OF 127TH STREET EAST)
)
)
_____)

VACATION ORDER

NOW on this 24th day of July, 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:

The 10-foot utility easement common to Lots 34 and
35, Block 1, White Tail Addition to Sedgwick County,
Kansas; except the north 25 feet and the south 10
feet thereof.

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 July
3, 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.

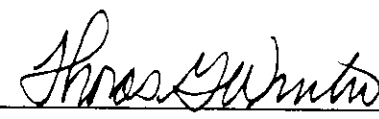
The Board further finds that on the 13th day of June, 1996, the Metropolitan Area Planning Commission recommended that the vacation petition herein be approved; and on the 2nd day of July, 1996, the Governing Body of the City of Wichita recommended that the said petition be approved.

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

