

Planning Agenda # _____

**City of Wichita
City Council Meeting
July 1, 1997**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2034 REQUEST TO VACATE MAINTENANCE AND ACCESS EASEMENT AND TO ACCEPT THE DEDICATION OF A SUBSTITUTE MAINTENANCE AND ACCESS EASEMENT LOCATED IN AN AREA NORTH OF 21ST STREET NORTH AND EAST OF TYLER ROAD.
(District #5)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of maintenance and access easement and accept substitute maintenance and access easement.

MAPC Recommendation: Approve vacation of maintenance and access easement and accept substitute maintenance and access easement. (unanimous)

Background: The applicant is developing a lot in Reflection Ridge that was originally approved as a zero lot line lot. In order to construct the building as planned, a lot line was moved in accordance with the Subdivision Regulations. However, the original plat dedicated a 5-foot maintenance and access easement along the west lot line of the original lot. Because of the lot line shift, the maintenance and access easement needs to be vacated. In return, the applicant is dedicating a new 5-foot maintenance and access easement along the newly established west property line by separate instrument. That easement is included within the approval of the Planning Commission and is also submitted for consideration by the City Council.

The vacation request has been reviewed and approved by the Planning Commission, subject to conditions which have been met. No members of the public addressed the MAPC to oppose this request.

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

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; accept the dedication of the substitute Maintenance and Access Easement; and record both the certified copy of the Vacation Order and the Maintenance and Access Easement; recording costs to be billed to: 150029-2909

Approved / Accepted By City Council

This JUL 1 1997

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

IN THE MATTER OF THE VACATION OF
UTILITY EASEMENT

GENERALLY LOCATED
NORTH OF CENTRAL, WEST OF 119TH
STREET WEST

MORE FULLY DESCRIBED BELOW

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Case No. V-2031



STATE OF KANSAS
SEDGWICK COUNTY
FILED FOR RECORD AT

1-45p M
1625954 2195

LARRY CONSOLVER
REGISTER OF DEEDS

Larry Consolver
Deputy

VACATION ORDER

NOW on this 1st day of July, 1997, comes on for hearing the petition for vacation filed by Paul Kelsey, praying for the vacation of the following described utility easement, to-wit:

The 10 foot wide utility easement described as the northerly 5 feet of Lot 3 and the southerly 5 feet of Lot 4, Block B, Buckhead Addition, Wichita, Sedgwick County, Kansas; except the west 20 feet thereof.

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 Daily Reporter of notice of this vacation proceeding for consecutive weeks on 6-6-97 & 6-13-97.
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 the utility easement described herein should be approved.

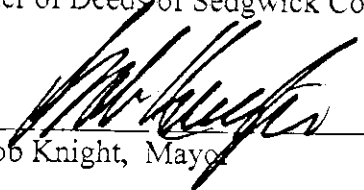
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City Clerk.

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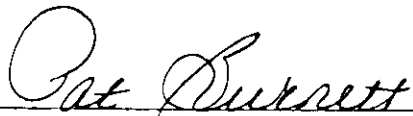
Vacation Order
V - 2031

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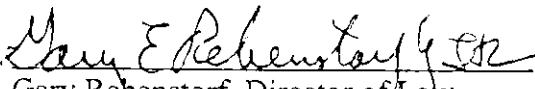
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of July, 1997, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

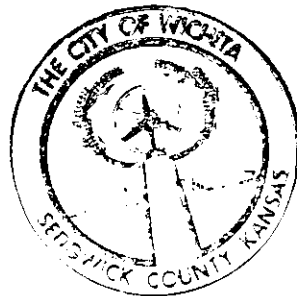

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk

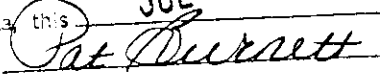
Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, **Pat Burnett** City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this JUL 1 1997
 City Clerk

