

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 11, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2216 - REQUEST TO VACATE A 5-FOOT ACCESS
EASEMENT LOCATED NORTHEAST OF 135TH STREET
WEST AND MAPLE STREET.**
(District V)

INITIATED BY: Metropolitan Area Planning Department *NKraat*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a 5-foot access easement.

MAPC Recommendation: Approve vacation of a 5-foot access easement. (unanimous)

Background: The applicant is requesting to vacate a 5-foot access easement on vacant property as part of a lot split on the Maple Dunes Plat. A substitute access easement was submitted with the application.

No 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, subject to the applicant filing a replacement access easement. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order and the Access Easement 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 to sign.

Approved / Accepted By City Council

This APR 11 2000

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

**IN THE MATTER OF THE VACATION OF
A 5-FOOT ACCESS EASEMENT**

**GENERALLY LOCATED
NORTHEAST OF 135TH STREET WEST
AND MAPLE STREET**

MORE FULLY DESCRIBED BELOW

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) **Case No. V-2216**
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VACATION ORDER

NOW on this 11th day of April, 2000, comes on for hearing the petition for vacation filed by K. Todd Allam, praying for the vacation of the following described a 5-foot access easement, to-wit:

The west 5 feet of Lot 11, Block 4, Maple Dunes Addition to Wichita, Sedgwick County, Kansas.

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 on February 22, 2000, 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 a 5-foot access 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 a 5-foot access easement described herein should be approved, subject to the following condition:

- A) Subdivision Committee recommends approval subject to the applicant filing a replacement access easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 11th day of April 2000, ordered that the above-described a 5-foot access 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.



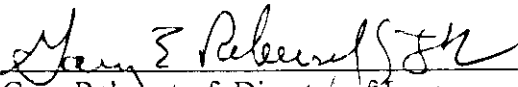
Bob Knight, Mayor

ATTEST:



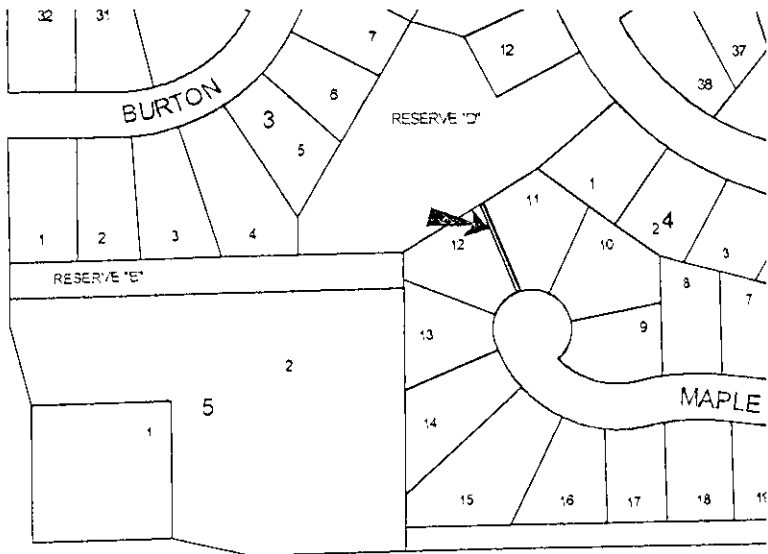
Pat Burnett, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law

135TH



MAPLE