

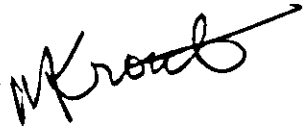
Planning Agenda # _____

**City of Wichita
City Council Meeting
January 25, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2211 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED SOUTHWEST OF 13TH STREET & MAIZE. (District V)**

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a utility easement.

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

Background: The applicant is requesting to vacate 4 feet of a 10-foot utility easement on the northwest property line to facilitate the construction of a home with a 3-car garage. A 6-foot building setback would be maintained on the northwest property line.

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 shall dedicate, by separate instrument, a substitute utility easement to cover a sewer line along the northerly corner of the lot. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

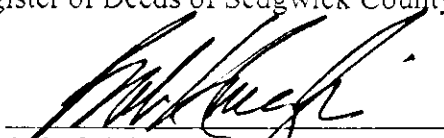
Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on December 21, 1999, 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 street right-of-way, 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 street right-of-way described herein should be approved, subject to the following condition:

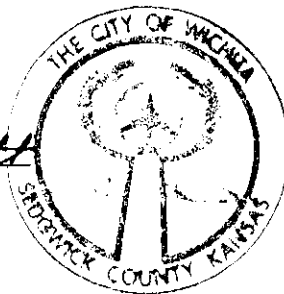
A) The City of Wichita shall retain the vacated right-of-way as access and utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of January, 2000, ordered that the above-described street right-of-way 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.

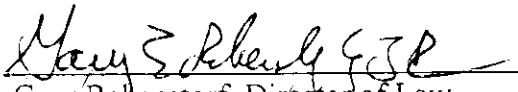

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

