



Wichita-Sedgwick County Metropolitan Area Planning Department

June 16, 2000

Daniel & Mary M. Wheeler
237 N. Crestway
Wichita, KS 67208

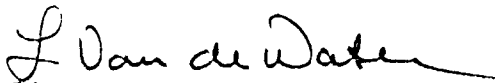
Re: VAC2000-00019- Request to vacate utility easement generally located South of Second and West of Crestway. (237 N. Crestway).

Dear Mr. and Mrs. Wheeler:

At the Thursday, June 15, 2000, meeting of the Metropolitan Area Planning Commission the above-referenced vacation request was approved subject to the conditions recommended by the Subdivision Committee and stated in our letter of June 9, 2000. This case will be scheduled for final action by the Wichita City Council at the first appropriate date after all conditions have been met.

If you have any questions about this matter, please call -- 268-4421.

Sincerely,


Lisa A. Van de Water
Senior Planner

LV:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mailstop 1-71
Capitol Federal Savings, c/o Michele Hunt, 8301 E. 21st Street, Suite 200, Wichita, KS 67206
John M. Baxter & Bonda L. Baxter, 240 N. Belmont, Wichita, KS 67208
Gregory Jacob Stucky, Gracia Toubia-Stucky, 251 N. Crestway, Wichita, KS 67208



Wichita-Sedgwick County Metropolitan Area Planning Department

June 9, 2000

Daniel & Mary M. Wheeler
237 N. Crestway
Wichita, KS 67208

Re: VAC2000-00019- Request to vacate utility easement generally located South of Second and West of Crestway. (237 N. Crestway).

Dear Mr. and Mrs. Wheeler:

At the regular meeting of the Subdivision Committee of the Metropolitan Area Planning Commission on Thursday, June 8, 2000, the above-captioned vacation request was considered. The action of the Committee was to recommend that this vacation be approved subject to:

- A. The applicant shall file a Hold Harmless Agreement for the existing garage structure that is built over the north-south 12-foot utility easement.

Additionally, the Subdivision Committee required that the west 12 feet of the easement requested for vacation be retained as easement to cover the North-South sewage line.

This matter is set for public hearing by the Metropolitan Area Planning Commission on Thursday, June 15, 2000 at 1:30 p.m. in the Planning Conference Room, Tenth Floor, City Hall, 455 North Main, Wichita, Kansas. If you have any questions, please call at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa A. Van de Water'.

Lisa A. Van de Water
Senior Planner

LAV:le

cc: Mike Lindebak, City Engineer, Public Works Department, Mail Stop 1-71
Capitol Federal Savings, c/o Michele Hunt, 8301 E. 21st Street, Suite 200, Wichita, KS 67206
John M. Baxter & Bonda L. Baxter, 240 N. Belmont, Wichita, KS 67208
Gregory Jacob Stucky, Gracia Toubia-Stucky, 251 N. Crestway, Wichita, KS 67208

STAFF REPORT

CASE NUMBER: VAC2000-00019 Request to a 12-foot utility easement.

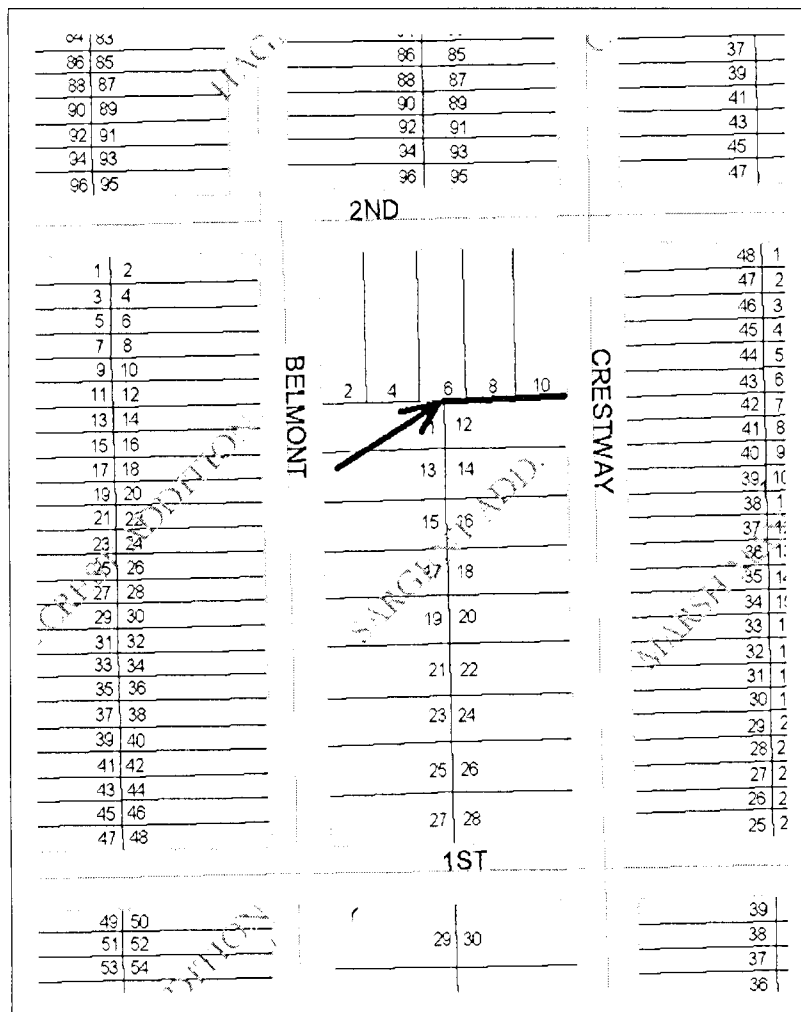
OWNER/APPLICANT: Daniel and Mary Weeler

AGENT: Capitol Federal Savings, c/o Michele Hunt

LEGAL DESCRIPTION: The south 12 feet of Lots 6, 8, and 10, except the west 26.625 feet of Lot 6, all on Second Street, in Sargent's Addition to Wichita, Sedgwick County, Kansas, EXCEPT the west 12 feet of said easement.

LOCATION: South of 2nd Street North and west of Crestway (237 N. Crestway)

REASON FOR REQUEST: House and garage built over easement.

VICINITY MAP:

The applicant is requesting to vacate a 12-foot utility. A portion of the residence and a garage were built on this easement. In order to obtain a clear title, this vacation must be obtained.

Based upon the information available prior to the public hearing, staff recommends the MAPC make the following findings and recommendation to the City Council:

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC 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 one time May 24, 2000, which was at least 20 days prior to this public hearing.
 - 2. That no private rights will be injured or endangered by the vacation of the above-described portion of a 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.
- B. Therefore, the vacation of the portion of utility easement described in the petition should be approved, subject to the following condition:
 - 1. The applicant shall file a **Hold Harmless Agreement** for the existing garage structure that is built over the north-south 12-foot utility easement.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval, subject to the following condition:

- 1. The applicant shall file a **Hold Harmless Agreement** for the existing garage structure that is built over the north-south 12-foot utility easement.