

Planning Agenda # _____

City of Wichita
City Council Meeting
October 8, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00050- REQUEST TO VACATE PLATTED UTILITY
EASEMENT LOCATED NORTHWEST OF THE K-96 – ROCK
ROAD INTERSECTION.
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning *MK*

Staff Recommendation: Approve.

MAPC Recommendation: Approve (unanimous).

Background: The applicant is building a restaurant. The applicant is applying for vacation of the platted 20-foot utility easement that runs adjacent and parallel to a platted 50-foot pipeline easement. As a condition of the vacation, the applicant has recorded a dedication (by separate instrument, recorded 06-10-30, Film 2459, Page 145) of a 20-foot utility easement within the 50-foot pipeline easement to cover the existing sanitary sewer line and manholes within the 50-foot pipeline easement. The applicant has supplied a letter from the Farmland Industries Pipeline and Transportation Company, stating their acceptance of the location of the sanitary sewer and manholes within their easement. The applicant has completed a lot split, a condition of the vacation, and recorded it with the County; SUB2000-00007, recorded 09-10-02, Film 2526, Page 164

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. 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 necessary signatures.

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

**IN THE MATTER OF THE VACATION OF)
PLATTED UTILITY EASEMENT)**

**GENERALLY LOCATED)
NORTHWEST OF THE K-96 – NORTH ROCK)
ROAD INTERSECTION)**

Case No. VAC2000-00050

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 8th day of October, 2002, comes on for hearing the petition for vacation filed by Sam's Real Estate Business, praying for the vacation of the following described platted utility easement, to-wit:

The platted 20-foot utility easement running adjacent and parallel to the platted 50-foot building setback as recorded on Lot 1, Block 1, Comotara Power Center 2nd Addition and the 50-foot pipeline easement as dedicated by separate instrument, Film 1021, Page 700.

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 Wichita Eagle on June 20, 2002, 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 platted 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.

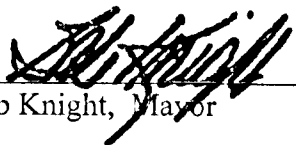
5. The vacation of the platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of October 2002, ordered that the above-described platted 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.




ATTEST:


Pat Burnett, City Clerk

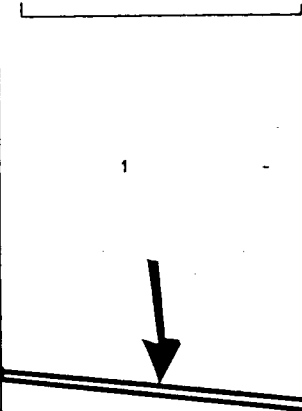
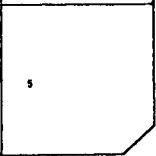
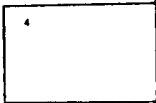

Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



ROCK



(EAST EXPRESSWAY)

K-96

K-96

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