

Planning Agenda # _____

City of Wichita
City Council Meeting
July 2, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00026 - REQUEST TO VACATE 20-FOOT X 20-FOOT UTILITY EASEMENT LOCATED SOUTH OF HIGHWAY 54 ON SOUTH MAIZE ROAD (1630 S. MAIZE ROAD)
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

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by the*

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant proposes to vacate the 20-foot x 20-foot utility easement and install a Verizon equipment shelter. Verizon is proposing to locate on the existing tower and the equipment shelter will house their equipment. The Wireless Ordinance encourages co-location of wireless equipment on existing towers. The applicant has submitted a site plan showing the location of the proposed equipment shelter and has superimposed (hatched area) the approximate location of the 20-foot x 20-foot easement. The Mid-America Ag Network Addition Plat was recorded 06-17-91.

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 with the conditions that a certified copy of a Dedication of a Utility Easement will be recorded with the Register of Deeds, and the applicant provide guarantee for the relocation of the utilities.

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
20-FOOT X 20-FOOT UTILITY EASEMENT**

**GENERALLY LOCATED
SOUTHEAST OF THE MAIZE ROAD – US 54
INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2001-00026

RECEIVED

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METROPOLITAN PLANNING
ROUTE ☐ _____
☐ _____

VACATION ORDER

NOW on this 2nd day of July, 2002, comes on for hearing the petition for vacation filed by Mid-America Ag Network, Inc, praying for the vacation of the following described 20-foot x 20-foot utility easement, to-wit:

A portion of land located in Lot 1, Mid-America Ag Network Addition to Wichita, Sedgwick County, Kansas, being more particularly described as follows: Commencing at the southwest corner of said Lot 1: thence north 88 degrees 04'13" east along the south line of said Lot 1 a distance of 70-foot to the point of beginning of the portion of land to be described; thence north 01 degrees 34'41" west leaving said south lot line a distance of 20-feet; thence north 88 degrees 04' 13" east a distance of 20-feet; thence south 01 degrees 34' 41" east a distance of 20-feet to a point on the south line of said Lot 1; thence south 88 degrees 04' 13" west along said south line a distance of 20-feet to the point of beginning.

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:

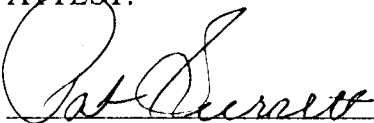
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on June 14, 2001, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described 20-foot x 20-foot utility 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.

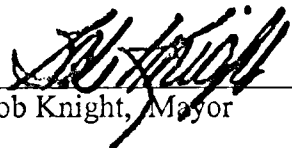
5. The vacation of the 20-foot by 20-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of July 2002, ordered that the above-described 20-foot x 20-foot 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.

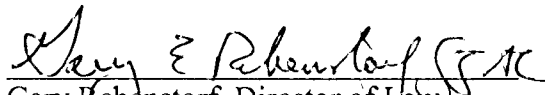
ATTEST:

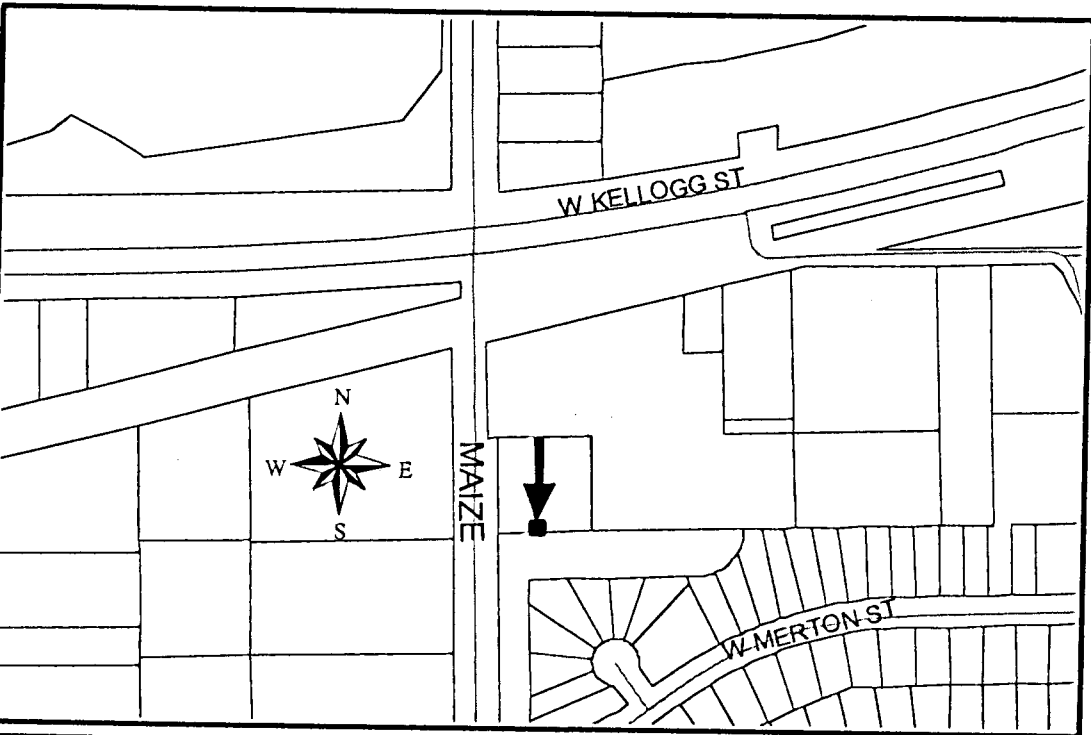

Pat Burnett, City Clerk



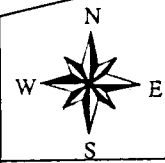

Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law



W KELLOGG ST



MAIZE

W-MERTON ST