

Planning Agenda # _____

**City of Wichita
City Council Meeting
June 5, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00019 - REQUEST TO VACATE UTILITY
EASEMENTS, DRAINAGE EASEMENT, & RESERVE
LOCATED NORTH OF 29TH STREET NORTH, WEST OF
RIDGE ROAD.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*MK/out
D/ff*

Staff Recommendation: Approve vacation of utility easements, drainage easement, & reserve.

MAPC Recommendation: Approve vacation of utility easements, drainage easement, & reserve
(unanimous)

Background: The applicant is requesting consideration to vacate two 10-foot side yard utility easements a 15-foot drainage easement and a portion of Reserve "E", all in the Forest Lakes Addition. Reserve "E" is platted for irrigation systems, landscaping, lakes (retention & detention), drainage structures, walks, docks and utilities confined to easements. The lots affected are not developed. The south section of this subdivision is developed with single-family houses. The applicant proposes to create fewer, larger lots if the vacations are approved.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to the dedication of substitute utility easements, and adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Legal Considerations: The instrument dedicating the substitute utility easements and 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, authorize the necessary signatures, and accept the dedication of the substitute utility easements.

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METROPOLITAN PLANNING
ROUTE ☐ _____
☐ _____

Case No. VAC2001-00019

VACATION ORDER

NOW on this 5th day of June, 2001, comes on for hearing the petition for vacation filed by Forest Lakes, Inc., praying for the vacation of the following described utility easements, drainage easement & reserve, to-wit:

Vacation of two utility easements, a drainage easement, and a portion of reserve "E" all located in Block 4, Forest Lakes, an addition to Wichita, Sedgwick County, Kansas, described as follows:

The 10 foot utility easement common to Lots 43 and 44, Block 4, except the westerly 25 feet thereof;

And

The 10 foot utility easement common to Lots 51 and 52, Block 4, except the easterly 20 feet thereof;

And

The 15 foot drainage easement common to Lots 38 and 39, Block 4;

And

That part of reserve "E" described as commencing at the southeast corner of Lot 50, Block 4, in said addition; thence N9deg02'39"W, along the east line of said Lot 50, 125 feet to the northeast corner of Lot 50 and the point of beginning; thence continuing N9deg02'39"W, 16.76 feet; thence N44deg24'15"W, 26.87 feet to the northeast of Lot 49, Block 4; thence southwest to the southeast corner of Lot 49; thence southeast along Lakecrest Circle, 12 feet to the northwest corner of Lot 50; thence northeast along the northerly line of Lot 50, 120 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 April 19, 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 utility easements, drainage easement, & reserve, 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 utility easements, drainage easement & reserve described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of June 2001, ordered that the above-described utility easements, drainage easement, & reserve 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

N89°31'48"E 1004.91' (CALC. MEAS.)

579.88'

5' Wall Esm't.

125' 20' Util.

PART OF
RESERVE "E"

RESERVE "E"

