

Planning Agenda # _____

**City of Wichita
City Council Meeting
February 5, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00062 - REQUEST TO VACATE PLATTED
UTILITY EASEMENT LOCATED SOUTH OF CENTRAL
BETWEEN 143RD STREET EAST AND 155TH STREET EAST.
(District II)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kraut

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration to vacate a 15-ft x 25-ft portion of a platted utility easement, located along the side yard of Lot 3, Shadybrook Farm 2nd Addition. The applicant proposes to build a swimming pool. The vacation of the 15-ft x 25-ft area will not affect existing or planned utilities.

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
SOUTH OF CENTRAL AND BETWEEN 144TH
STREET EAST AND 155TH STREET EAST**

**MICROFILMED
OF RECORD**

Case No. VAC2001-00062

MORE FULLY DESCRIBED BELOW



**STATE OF KANSAS } SS
SEDGWICK COUNTY }**

MAR 6 10 18 AM '02

**BILL MEEK
REGISTER OF DEEDS**

Judy Paget
Deputy

VACATION ORDER

NOW on this 5th day of February, 2002, comes on for hearing the petition for vacation filed by Robert & Susan McKay, praying for the vacation of the following described platted utility easement, to-wit:

The 15-ft x 25-ft portion/heel located on the northeast portion of the platted 20-ft utility easement on the upper southwest section of Lot 3, Shadybrook Farm 2nd Addition.

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 January 3, 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.

Approved / Accepted By City Council

This FEB 5 2002

**CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK**

\$ 8.00
150004

VAC 2001-00062

Vacation Order
VAC2001-00062

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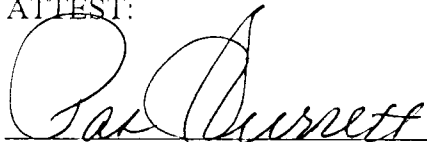
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 5th day of February 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.

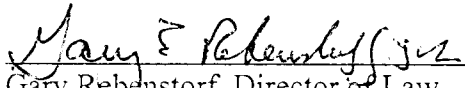

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office of the City Clerk.

Given under my hand and seal of the City of
Wichita, this FEB 5 2002
 City Clerk

E CENTRAL AVENUE

