

Planning Agenda # _____

City of Wichita
City Council Meeting
July 16, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00018 - REQUEST TO VACATE A 45-FOOT SEWER EASEMENT, DEDICATED BY SEPARATE EASEMENT, LOCATED EAST OF 135TH STREET WEST AND NORTH OF MAPLE (District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. KHOUT

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant proposes to build a single-family residence, with approximately half of the structure encroaching into the 45-foot sewer easement. The 45-foot sewer easement is not shown on the plat, but was dedicated by separate instrument. The vacation of the 45-foot easement will not affect the 20-foot easement or the 50-foot Cities Service Pipeline Easement that run parallel and adjacent to the west side of the subject property. The existing sewer & manhole in the 45-foot easement was abandoned and this process was reviewed and approved by the City Engineer.

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.

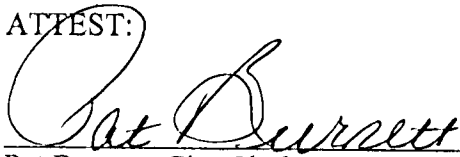
Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds and the conditions that the sewer line and the manhole in the 45-foot sewer easement be abandoned according to City standards as reviewed and approved by the City Engineer or provide a guarantee that the sewer line and manhole are abandoned according to City standards as reviewed and approved by the City Engineer, retain both the 20-foot utility easement and the portion of the 50-foot cities Service Pipeline Easement that run parallel and adjacent to the west property line of Lot 5, block 4, Rainbow Lakes West 3rd Addition, where they intersect with 45-foot sewer easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of sanitary sewer easement 2002, ordered that the above-described sanitary sewer 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

