Planning Agenda #_____

City of Wichita
City Council Meeting
August 13, 1996

Agenda Report #_____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-1956 REQUEST TO VACATE UTILITY EASEMENTS AND STREET RIGHTS-OF-WAY LOCATED NORTH OF CENTRAL AND WEST OF MAIN STREET.
(District # 6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easements and streets right-of-way.

MAPC Recommendation: Approve vacation of utility easements and streets right-of-way. (unanimous)

Background: To provide for the expansion of the Sedgwick County adult local detention facility and county parking garage, the county is requesting the vacation of two utility easements and several sections of street rights-of-way. The county has made arrangements for the relocation of any public and private utilities impacted by the vacation. The county is also granting a substitute utility easement and a drainage easement as requested by City Engineering and the utilities. These vacations including a number of vacations from previous years, will in essence allow the county to consolidate the area between Central to Pine and Main to Wichita Street (railroad right-of-way) into a unified building site. The vacation request has been reviewed and approved by the Planning Commission, subject to conditions.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: Accept the utility and drainage easements (since these easements have already been recorded, originals may be returned to the County); close the public hearing, approve the vacation; authorize the Mayor to sign the vacation Order; and record the certified copy of the Vacation Order; cost to be billed to 150029-2909

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Approved / Accepted By City Council
This AUG 13 1996

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

IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENTS AND STREET)
RIGHTS-OF-WAY)
)
GENERALLY LOCATED) Case No. V-1956
NORTH OF CENTRAL AND)
WEST OF MAIN STREET)
)
MORE FULLY DESCRIBED BELOW)

STATE OF KANSAS }
SEDGWICK COUNTY }
FILED FOR RECORD AT
11:00a M
SEP 10 1996
NO. 1555195
PAT KETTLER
REGISTER OF DEEDS

VACATION ORDER

NOW on this 13th day of August, 1996, comes on for hearing the petition for vacation filed by Sedgwick County, Kansas, praying for the vacation of the following described utility easement and street rights-of-way, to-wit:

Vacation of Utility Easement described as: That part of Elm Street from the West line of Church Street (now Water Street) to the East line of Wichita Street, as platted in Munger's Original Town, now the City of Wichita, Kansas.
Vacation of Utility Easement described as: The North-South Alley between Wichita Street and Church Street (now Water Street), from the North line of Elm Street to the South line of Pine Street, as platted in Munger's Original Town, now the City of Wichita, Kansas.
Vacation of Street Right-of-way described as: The south 10.0 feet of Pine Street, from the East line of Wichita Street to the West line of Church Street (now Water Street), as platted in Munger's Original Town, now the City of Wichita, Kansas
Vacation of Street Right-of-way described as follows: That part of Wichita Street described as beginning at a point 115.0 feet West and 10.0 feet North of the Southeast corner of Lot 2 on Wichita Street as platted in Munger's Original Town, now the City of Wichita, Kansas, said point being 50.0 feet North of the centerline of Central Avenue; thence Northwesterly 485.30 feet more or less, to the Southwest corner of Lot 34 on Wichita Street as platted in said Munger's Original Town, said point now being the Southwest corner of Reserve "B" as platted in Park Plaza First Addition to Wichita, Kansas; thence North along the East line of said Wichita Street a distance of 420.14 feet more or less, to the Northwest corner of Lot 64 on Wichita Street as platted in said Munger's Original Town, said point now being the Northwest corner of Reserve "B" as platted in said Park Plaza First Addition, thence West 37.0 feet; thence South parallel with the East line of Wichita Street as originally platted, a distance of 905.34 feet more or less, to a point 50.0' feet North of the centerline of Central Avenue; thence East 54.0 feet to the point of beginning.

COPY

Vacation of Street right-of-way and retain as an easement for public utilities as follows: The West 8.0 feet of the East half of Wichita Street as platted in Munger's Original Town, now the City of Wichita, Kansas, from the South line of Pine Street, South 905.37 feet more or less, to a point 50.0 feet North of the centerline of Central Avenue.

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 Daily Reporter of notice of this vacation proceeding for consecutive weeks on 8-2-96 & 8-9-96.

2. No private rights will be injured or endangered by the vacation of the above-described utility easements and street rights-of-way, 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 utility easements and street rights-of-way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of August, 1996, ordered that the above-described utility easements and street rights-of-way 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

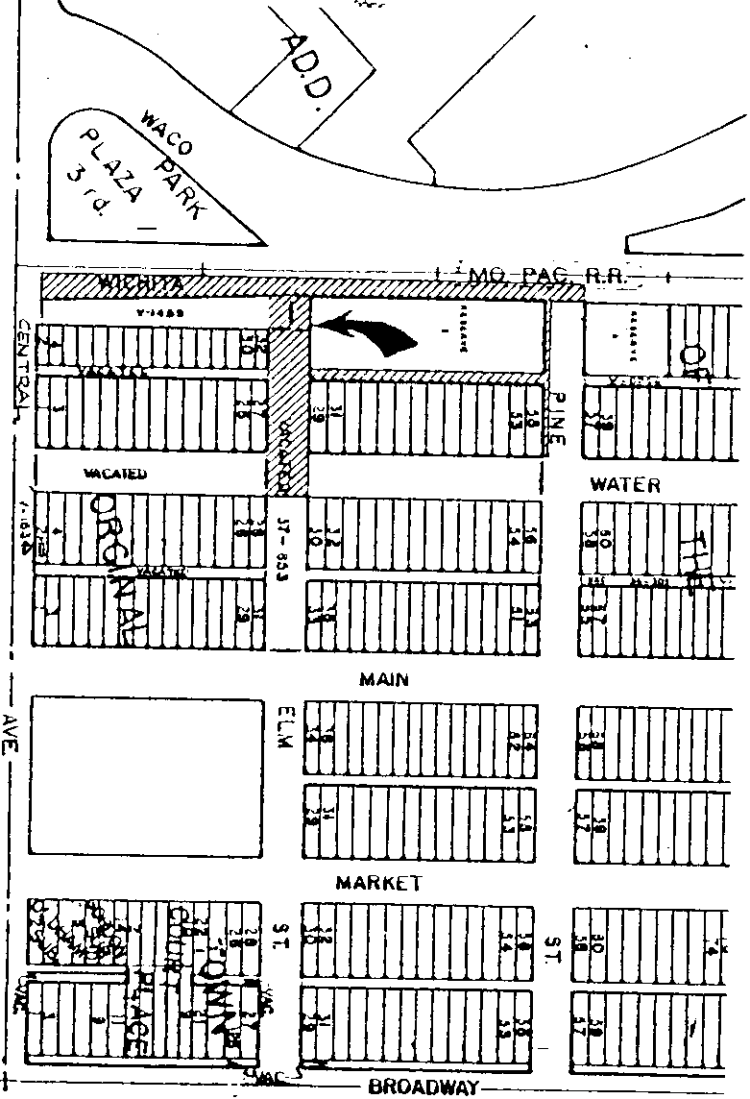
ATTEST:

Pat Burnett, City Clerk

THE CITY OF WICHITA SEDGWICK COUNTY, KANSAS

Approved as to Form:

Gary Rebenstorf, Director of Law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