

Planning Agenda # _____

City of Wichita
City Council Meeting
April 13, 1999

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2158 - REQUEST TO VACATE A PORTION OF A UTILITY
EASEMENT LOCATED IN AN AREA AT THE NORTHEAST
CORNER OF HILLSIDE AND ORCHARD AVENUE.
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Kraut
2/1/99

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant is requesting to vacate a portion of two utility easements to allow for the construction of a medical complex.

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, subject to the applicant filing a hold harmless agreement for the portion of the building overhang being constructed into the east-west utility easement. The applicant has filed a hold harmless agreement. 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 hold harmless agreement and the Vacation Order, and authorize the Mayor to sign.

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

IN THE MATTER OF THE VACATION OF	)	
UTILITY EASEMENT	)	
	)	
GENERALLY LOCATED	)	Case No. V-2158
NORTHEAST CORNER OF HILLSIDE AND	)	
ORCHARD AVENUE	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 13th day of April, 1999, comes on for hearing the petition for vacation filed by Boyce Company, c/o Lynn Summerhays, praying for the vacation of the following described utility easement, to-wit:

That part of a 10 foot utility easement as granted in Lot 1, Lancaster Addition, Wichita, Kansas described as follows: Commencing at the NW corner of said Lot 1; thence N89°55'15"E along the north line of said Lot 1, 190.70 feet to the NW corner of said 10 foot utility easement and for a point of beginning; thence S00°00'00"W along the west line of said 10 foot utility easement, 133.43 feet to a point on the north line of a 20 foot utility easement as granted in said Lot 1; thence N89°52'52"E along the north line of said 20 foot utility easement and as extended east, 10.00 feet to the SE corner of said 10 foot utility easement; thence N00°00'00"E along the east line of said 10 foot utility easement, 133.43 feet to a point on the north line of said Lot 1; thence S89°55'15"W along the north line of said Lot 1, 10.00 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:

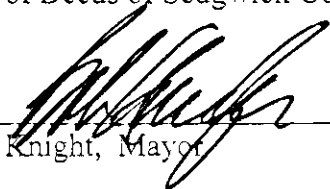
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on February 15, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, 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 utility easement described herein should be approved, subject to the following condition:

- A) The applicant shall file a hold harmless agreement for the portion of the building being constructed into the east-west easement.
- B) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of April, 1999, ordered that the above-described 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

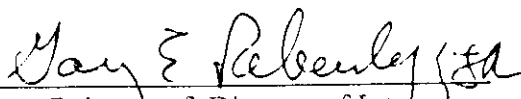
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

NINTH

FRISCO
HEIGHTS

37

2

BUDETTI
ADD. 4

30

LOVETT
ADDITION

TAYLOR'S
ADD.

COUNTRY CLUB

LANCASTER
ADD.

2

ADD.

16

ORCHARD

WESLEY
MEDICAL
5TH ADDITION

HOLYOKE

PART OF
SUNRISE
ADD.

VAC.
PARK

CENTER

5TH ADDITION

MURDOCK

WESLEY
MEDICAL
CENTER

ADDITION

WESLEY

HYDE & ELLIS

ADD.

RUTAN

HYDE & ELLIS

ADD.

AVE.

FRISCO HEIGHTS

COUNTRY CLUB

PLACE
ADD.

GRANDVIEW
PRACE

MOSS

COL