

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 3, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00047 - REQUEST TO VACATE UTILITY
EASEMENT LOCATED AT THE NORTHWEST CORNER OF
MAIN AND ORME.
(District I)

INITIATED BY: Metropolitan Area Planning Department *M. Knost*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant is requesting to vacate a utility easement for expansion of an existing motel.

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 granting a temporary easement by separate instrument until relocation is complete, and dedicating a permanent substitute easement by separate instrument. 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
UTILITY EASEMENT**

**GENERALLY LOCATED
AT THE NORTHWEST CORNER OF MAIN
AND ORME**

MORE FULLY DESCRIBED BELOW

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) **Case No. VAC2000-00047**
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VACATION ORDER

NOW on this 3rd day of April, 2001, comes on for hearing the petition for vacation filed by Candlewood Hotel Company, praying for the vacation of the following described utility easement, to-wit:

Lot 4; South Main Plaza Addition, Wichita, Sedgwick County, Kansas. The East 10' of the West 20' of the North 40' of said Lot 4.

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 October 20, 2000, 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.

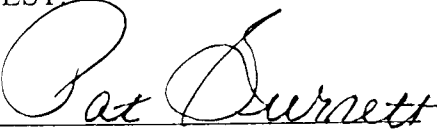
5. The vacation of utility easement described herein should be approved, subject the applicant shall grant a temporary easement by separate instrument until relocation is complete and the applicant shall dedicate a substitute easement by separate instrument.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of April 2001, 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

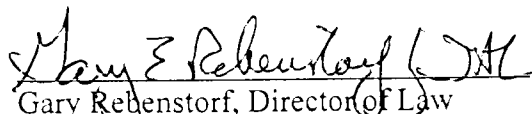
ATTEST:



Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

