

City of Wichita
City Council Meeting
July 13, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00027 Request to vacate pedestrian access and utility easement located south of 45th Street North and west of Rock Road, at the end of Burton Circle. (District II)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration to vacate a 10-foot wide portion of 20-feet of pedestrian access that abuts the west side of Lot 10, Block B, the Willowbend North Estates Second Addition. The Willowbend North Estates Second Addition was recorded with the Register of Deeds on January 8, 2004.

Analysis: The applicant wishes to remove the abutting pedestrian access use of the platted easement from the west side of Lot 10, Block B, the Willowbend North Estates Second Addition. The current 20-feet of pedestrian access is part of a platted 20-foot drainage and utility and pedestrian access easement. There is sewer in the easement. Only 10-feet of the pedestrian access use abutting the west side of Lot 10 will be removed. The easement will still retain 20-feet for drainage and utility use. The pedestrian access links Blocks A & B, to Reserve A, all in the Willowbend North Estates Second Addition. According to the plat text, Reserve A is reserved for open space, lakes, landscapes, berms, sidewalks, drainage purposes and utilities. Reserve A, "shall be owned and maintained by the Homeowners Association for the addition." Reserve A abuts a railroad right-of-way on its south side and a golf course on its east side. Although proposed as a future greenway, the rail line is currently an active line used in part to connect activity between Wichita and El Dorado in Butler County. The proposed Vacation would leave 10-feet of pedestrian access (abutting Lot 9, Block B, the Willowbend North Estates Second Addition) onto Reserve A. No one spoke in opposition to this request at the Metropolitan Area Planning Commission's (MAPC) advertised public hearing and the MAPC voted to approve the Vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendation/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Approved / Accepted By City Council

This 7-13-04

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

**IN THE MATTER OF THE VACATION OF A)
PORTION OF THE PEDESTRIAN ACCESS PORTION)
OF A PLATTED DRAINAGE, PEDESTRIAN ACCESS)
AND UTILITY EASEMENT)**

**MAPD CASE NO.
VAC2004-00027**

**GENERALLY LOCATED)
SOUTH OF 45TH STREET NORTH AND WEST OF ROCK)
ROAD, AT THE END OF BURTON CIRCLE)**

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 13th day of July 2004 comes on for hearing the petition for vacation filed by Legacy Bank, Attention Brad E. Yeager, Senior Vice-President, and pray(s) for the vacation of the following described portion of pedestrian access in the platted drainage, pedestrian access and utility easement, to wit:

A 10-foot wide portion of the pedestrian access portion of the platted 20-foot drainage, pedestrian access and utility easement, that abuts the west side of Lot 10, Block B, the Willowbend North Estates 2nd Addition, as recorded with Wichita, Sedgwick County, Kansas.

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 May 20, 2004, 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 portion of pedestrian access in the platted drainage, pedestrian access and utility easement and the public will suffer no loss or inconvenience thereby.

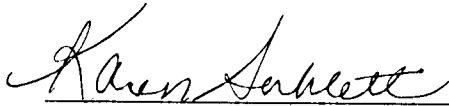
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 portion of pedestrian access in the platted drainage, pedestrian access and utility easement described herein should be approved.

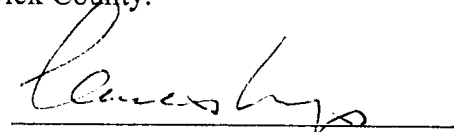
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of July 2004 ordered that the above-described portion of pedestrian access in the platted drainage, pedestrian access and utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

ATTEST:

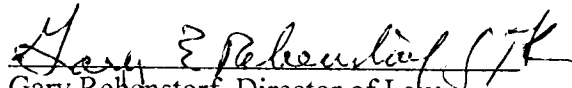


Karen Sublett, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

