

Agenda Item No. _____

City of Wichita
City Council Meeting
June 8, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2004-00014 Request to vacate platted utility easements, generally located on the southwest corner of the Greenwich Road – Harry Street intersection. (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 for the vacation of the platted 10-foot utility easement that runs parallel to the south side of Lots 4, 5 & 7, Block A, the Smithmoor Commercial Addition and the platted 10-foot utility easement that runs parallel to the north side of Lot 8, Block A, the Smithmoor Commercial Addition. The site is located in CUP DP-243. The Smithmoor Commercial Addition was recorded with the Register of Deeds January 6, 2000.

Analysis: The applicant proposes development of the site. There are no water, sewer or other utilities in the easements. There are no plans for future water, sewer or other utilities to be located in the easements. No one spoke in opposition to this request at the MAPC's 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.



Sedgwick County
Register of Deeds - Bill Meek
DOC.#/FLM-PG: 28581240

Receipt #: 1555732
Pages Recorded: 2

Recording Fee: 00H

Cashier Initials: JP

Authorized By:

Date Recorded: 6/21/2004 8:27:43 AM



Approved / Accepted by City Council:

This 6-8-04

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK.

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

**IN THE MATTER OF THE VACATION OF
PLATTED UTILITY EASEMENTS**

**GENERALLY LOCATED ON THE
SOUTHWEST CORNER OF THE
GREENWICH ROAD -HARRY STREET
INTERSECTION**

MORE FULLY DESCRIBED BELOW

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Case No. VAC2004-00014

VACATION ORDER

NOW on this 8th day of June, 2004 comes on for hearing the petition for vacation filed by Smith & Company, praying for the vacation of the following described a platted utility easements, to-wit:

The 10-foot platted utility easement that runs parallel to the south side of Lots 4, 5 & 7, Block A, the Smithmoor Commercial Addition and the platted 10-foot utility easement that runs parallel to the north side of Lot 8, Block A, the Smithmoor Commercial 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:

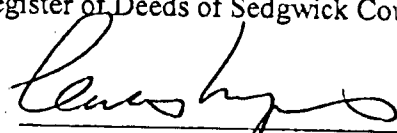
1. That due and legal notice has been given by publication as required by law, by publication in The Derby Reporter on April 15, 2004, which was at least 20 days prior to the public hearing.

DOC. #/FLM-PG: 28581240

Vacation Order
VAC2004-00014

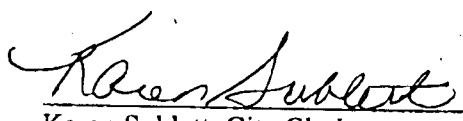
2. No private rights will be injured or endangered by the vacation of the above-described platted utility easements, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation 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 platted utility easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of June 2004 ordered that the above-described platted utility easements are 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.


Carlos Mayans, Mayor

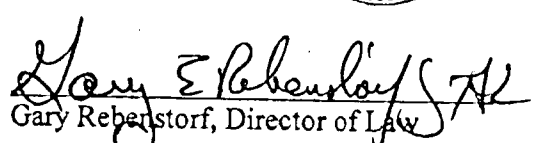


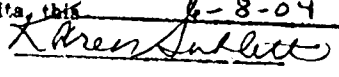
ATTEST:


Karen Sublett, City Clerk



Approved as to Form:


Gary Reberstorf, Director of Law

State of Kansas ;
Sedgwick County) ss
City of Wichita)
I, Karen Sublett City Clerk of the City
of Wichita, Kansas, hereby certify that the document
to which this is affixed is a true and correct copy of
the original on file in the office the the City Clerk.
Given under my hand and seal of the City of
Wichita, this 6-8-04

City Clerk

