

Planning Agenda Item # _____

**City of Wichita
City Council Meeting
September 21, 1993**

Agenda Report # _____

TO: Mayor and City Council Members

SUBJECT: V- 1828; Request to vacate utility and drainage easements, generally located south of 37th Street North and east of Oliver. (District # 4).

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation.

MAPC Recommendation: Approve vacation (unanimous).

Background: This is the vacation of portions of platted utility and drainage easements. Applicant, Koch Industries, intends to convey to Goodwill Industries, which is adjacent and to the south of the Koch property, additional vehicular access around the expanded Goodwill facilities. A lot split has also been filed for these properties, so that the Koch and Goodwill properties will continue to be considered legally buildable sites. A substitute easement has been provided to relocate the existing drainage and utility easements. Staff and MAPC have recommended approval because drainage and utility needs will be satisfied by the substitute easement, and the vacation will not adversely affect the public interest.

This vacation has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

RECOMMENDATIONS/ACTIONS: Close the public hearing; accept the drainage and utility easement; approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Order and the drainage and utility easement, recording costs to be billed to:

150029-2909.

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

IN THE MATTER OF THE VACATION OF)
THAT PORTION OF UTILITY AND)
DRAINAGE EASEMENTS)
)

GENERALLY LOCATED EAST OF)
OLIVER AND SOUTH OF 37TH)
STREET NORTH)

Case No. V-1828

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 21st day of September, 1993, comes on for hearing the petition for vacation filed by Koch Industries praying for the vacation of the following described portion of utility easement, to wit:

The 15-foot utility easement as platted along the south line of Lots 2 and 3, Block 1, Expressway Center Addition, Wichita, Sedgwick County, Kansas,

And that portion of the following described drainage easement, to wit:

The 15-foot drainage easement as platted along the south line of Lots 2 and 3, Block 1, Expressway Center Addition, Wichita, Sedgwick County, Kansas; and

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 _____.

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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 21st day of September, 1993, ordered that the above-described portion of utility and drainage easements 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.

Elma Broadfoot, Mayor

ATTEST:

Pat Burnett, Deputy City Clerk

Approved as to Form:

Gary Rebenstorf, Director of Law

37 TH ST. NO.

FLOODWAY

EXPRESSWAY

CENTER

OLIVER

RICHLAND
HEIGHTS
ADDITION

MO. PAC. R.R.

G R E A T

36 TH STREET NO.

3

2

1

4