

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 *M. Kraut*

**AGENDA ACTION:** Planning *by JE*

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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**

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

**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:

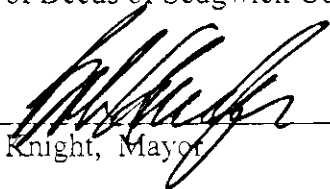
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on February 15, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described utility easement,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

23

3 6  
HYDE & ELLIS

45 66  
RUTAN

AVE.

37  
LIVINGSTON  
SIDE  
ADD.

48  
RUTAN  
66

HW ROBERTS  
ADD.  
2  
3  
FRISCO HEIGHTS  
4

1  
A  
MOSS  
3  
COL  
24

COUNTRY CLUB

LANCASTER  
ADD. 2

PART OF  
253.4  
SUNRISE  
ADD. 17

1  
2  
COUNTRY CLUB  
30  
36

ORCHARD

WESLEY  
MEDICAL CENTER  
5TH ADDITION

VAC.  
PARK  
19 63

AVE.  
1  
2  
PLACE  
ADD.  
33  
36

MURDOCK

WESLEY  
MEDICAL  
CENTER  
ADDITION  
3  
WESLEY

36  
GRANDVIEW  
BRIDGE  
2

HILLSIDE

HOLYOKE