


Planning Agenda # _____

**City of Wichita
City Council Meeting
January 25, 2000**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2212 - REQUEST TO VACATE STREET RIGHT-OF-WAY
LOCATED EAST OF MAIZE ROAD AND ½ MILE NORTH
OF KELLOGG. (District V)**

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of street right-of-way.

MAPC Recommendation: Approve vacation of a street right-of-way. (unanimous)

Background: The applicant is requesting to vacate street right-of-way that is undeveloped. The applicant owns property north and south of the right-of-way and this would connect his two properties.

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 City of Wichita shall retain the vacated right-of-way as access and utility easement. 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 Mayor to sign.

Draft.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A UTILITY EASEMENT)
)
)
GENERALLY LOCATED)
SOUTHWEST OF 13TH STREET & MAIZE)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. V-2211

RECEIVED

JAN 28 2000

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

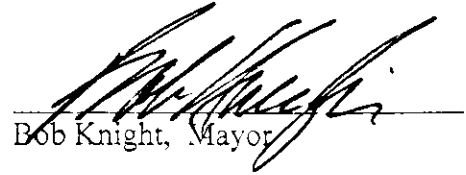
NOW on this 25th day of January, 2000, comes on for hearing the petition for vacation filed by Robert G. Battaglear, praying for the vacation of the following described a portion of a utility easement, to-wit:

The southerly 4 feet of the 10 foot platted utility easement along the northwest property line of Lot 1, Block 1, Huntington Place 6th Addition, 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:

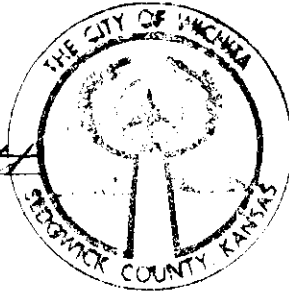
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on December 21, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a utility 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 a portion of a utility easement described herein should be approved, subject to the following condition:
 - A) The applicant shall dedicate, by separate instrument, a substitute utility easement to cover a sewer line along the northerly corner of the lot.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 25th day of January, 2000, ordered that the above-described a portion of a 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

