

Planning Agenda # _____

City of Wichita
City Council Meeting
January 4, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2209 - REQUEST TO VACATE UTILITY EASEMENT
LOCATED BETWEEN EDWARDS AVENUE AND MCLEAN
BOULEVARD, SOUTH OF 9TH STREET NORTH.
(District VI)**

INITIATED BY: Metropolitan Area Planning Department *McCrone*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of utility easement.

MAPC Recommendation: Approve vacation of utility easement. (unanimous)

Background: The applicant requests to vacate a 20-foot utility easement for the development of duplex housing on this site.

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 west 20 feet shall be retained as 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.

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

**IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)**

**GENERALLY LOCATED)
BETWEEN EDWARDS AVENUE AND)
MCLEAN BOULEVARD, SOUTH OF 9TH)
STREET NORTH)**

Case No. V-2209

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 4th day of January 2000, comes on for hearing the petition for vacation filed by Riverside Health Systems, Inc., c/o Robert Dixon, praying for the vacation of the following described utility easement, to-wit:

The north 20 feet of Lot 1, Block 2, Riverside Health Systems 3rd Addition, Wichita, Sedgwick County, Kansas.

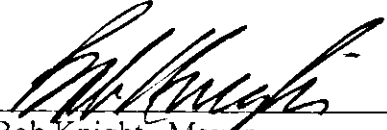
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on November 23, 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 west 20 feet shall be retained as utility easement.

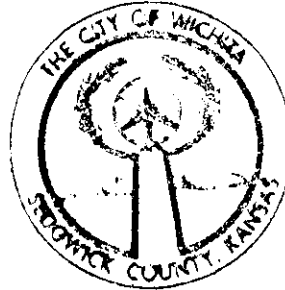
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of January 2000, ordered that the above-described utility easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.



Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

ACRES
8 1
5 4

VISTA
16
7 ANDREW WALKER 3 2nd 34

49
BYFIELD ADD
KNUDTSON ADD

ACTS
DENS

19 65
(PT.)
SIM PARK
108 76

64
OF)
RIVERSIDE
HEALTH
3RD
53

ST.
McLEAN PARK ADD
BLVD.
SYSTEM
2 ADD.
V-2209
#5248B
N
ARKANSAS RIVER
McLENN

1 ADD.
3
AVE
ADD.
CUSTER

107 77
GARDENS
96 88

MURDOCK
52 13
EDWARDS
41 24

OSTEOPATHIC ADD.
ELM ST.

89

40 OSTEOPATHIC