

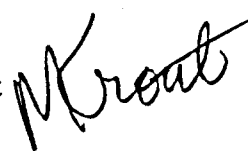
Planning Agenda # _____

City of Wichita
City Council Meeting
August 1, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2000-00014 - REQUEST TO VACATE A PORTION OF A UTILITY EASEMENT LOCATED NORTH OF 21ST STREET NORTH AND EAST OF RIDGE ROAD.
(District V)

INITIATED BY: Metropolitan Area Planning Department 

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a portion of a utility easement.

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

Background: The applicant is requesting to vacate a portion of a utility easement to facilitate the construction of a new building at this location. A substitute easement will be dedicated by separate instrument.

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 dedicating a substitute easement, a guarantee for the relocation of the water line that exists in the current easement, and the dedication of a temporary easement good until such time that the relocation of the existing water line is complete. No written protests have been filed.

The new line is in place and Planning has received verification from Public Works that the guarantee and temporary easement are no longer necessary. The applicant has dedicated the substitute easement by separate instrument.

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 necessary signatures.

Drygl

Approved / Accepted By City Council

This AUG - 1 2000

Page 1 of 2

**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)
NORTH OF 21ST STREET NORTH AND EAST OF)
RIDGE ROAD)**

MORE FULLY DESCRIBED BELOW)

Case No. VAC2000-00014

RECEIVED

AUG 14 2000

METROPOLITAN PLANNING
ROUTE _____

VACATION ORDER

NOW on this 1st day of August, 2000, comes on for hearing the petition for vacation filed by F & R Enterprises, LLC, c/o Ron Fiegel and Michael Reno, praying for the vacation of the following described portion of a utility easement, to-wit:


That part of a utility easement, (Film 1912, Page 2598) described as follows: commencing at the SW corner of Lot 1, Lake Ridge Commercial 2nd Addition, Wichita, Sedgwick County, Kansas; thence North along the west line of said Lot 1, 8.32 feet to the intersection with the north line of said easement; thence N90deg00'00"E along the north line of said easement, 26.86 feet to a deflection corner in said north line; thence N85deg39'36"E along the north line of said easement, 25.67 feet to a deflection corner in said north line; thence N89deg39'36"E along the north line of said easement, 575.52 feet for a point of beginning; thence continuing N89deg39'36"E along the north line of said easement, 50.19 feet to the most northeasterly corner of said easement; thence South along the east line of said easement, 20.00 feet to a deflection corner in said east line; thence S89deg39'36"W along the east line of said easement, 8.34 feet to a deflection corner in said east line; thence South along the east line of said easement, 78.33 feet; thence N90degW, 20 feet to a point on the west line of said easement; thence North, 78.21 feet to a deflection corner in said easement; thence west along the south line of said easement, 21.84 feet; thence North, 20 feet to the point of beginning.

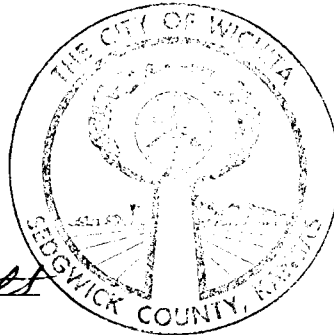
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on May 24, 2000, 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 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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 1st day of August 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.

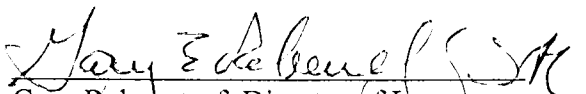
ATTEST:

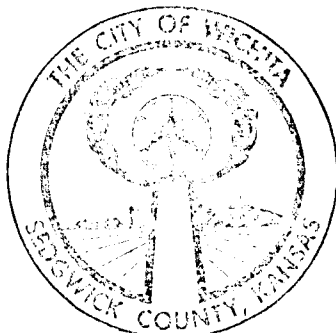

Pat Burnett, City Clerk

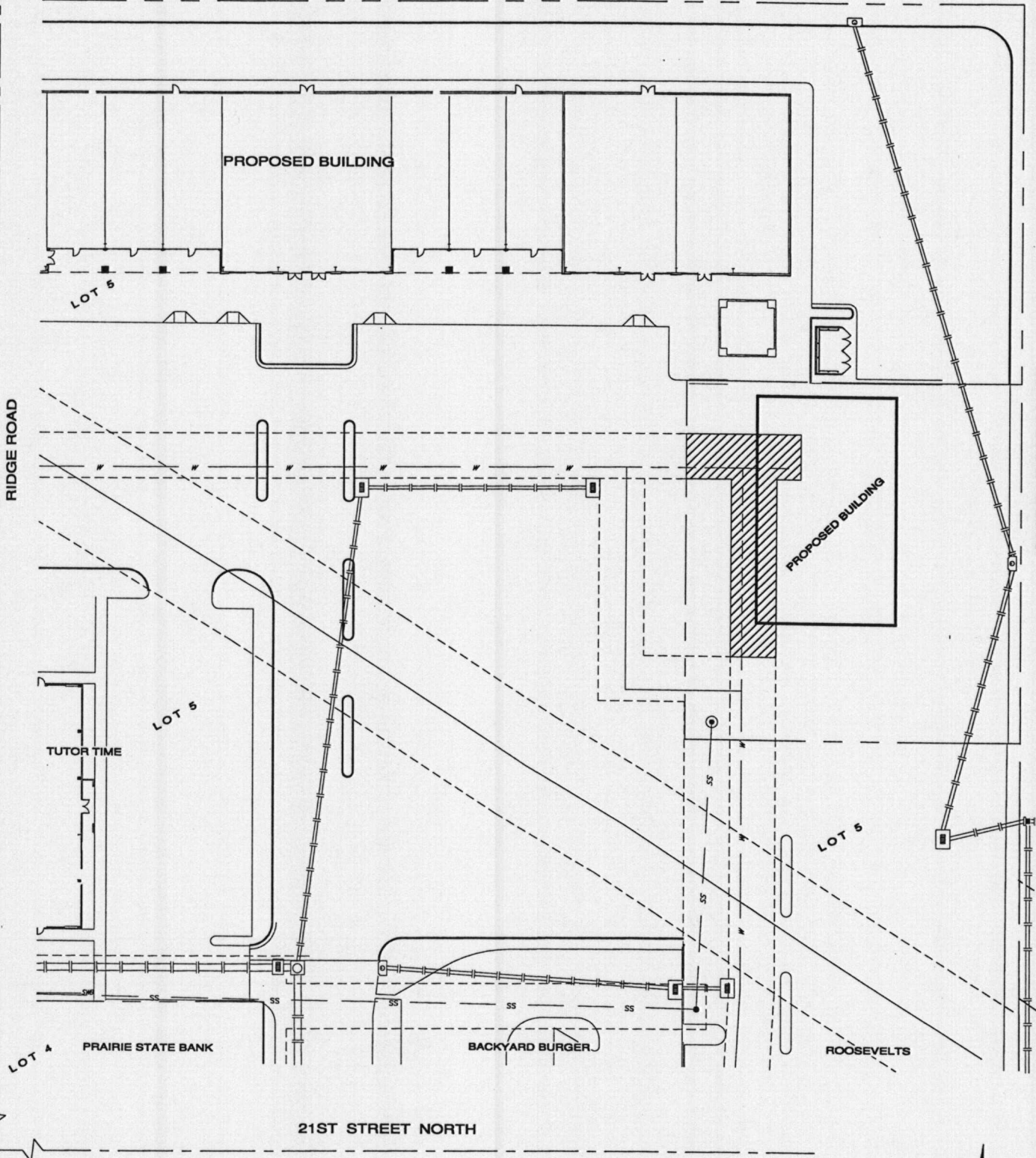



Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law






 VACATED EASEMENT

EXHIBIT 1

