

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 14, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00024 - REQUEST TO VACATE RUTAN AVENUE
RIGHT-OF-WAY & EDGEMONT AVENUE RIGHT-OF-WAY
LOCATED NORTHEAST OF CENTRAL AVENUE - NORTH
HILLSIDE INTERSECTION.
(District I)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of Rutan Avenue right-of-way & Edgemont Avenue right-of-way.

MAPC Recommendation: Approve vacation of Rutan Avenue right-of-way & Edgemont Avenue right-of-way. (unanimous)

Background: The applicant is requesting consideration for approval of the vacation of portions of Rutan Avenue right-of-way and Edgemont Avenue right-of-way. The portion of Rutan Avenue to be considered for vacation is that portion from the Edgemont-Rutan Avenue intersection to Central Avenue. The portion of Edgemont Avenue to be considered for vacation is from the Rutan-Edgemont Avenue intersection to within 70 feet (short) of Vassar Avenue. Both vacated streets will be left open and used as private drives. The applicant proposes expansion of the current Wesley Hospital complex, including the building of a new motel, which the vacation of Rutan and Edgemont would facilitate. The applicant has agreed to retain Rutan and Edgemont as utility easements and to post both Edgemont and Rutan as private drives.

Opposition was expressed by residents living East of Vassar who were concerned that the vacation of Edgemont would negatively impact the playground located north of Edgemont and east of Rutan. The MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. 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 necessary signatures.

Dupl.

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

**IN THE MATTER OF THE VACATION OF)
RUTAN AVENUE RIGHT-OF-WAY)
& EDGEMONT AVENUE)**

**GENERALLY LOCATED)
NORTHEAST OF CENTRAL AVENUE – NORTH)
HILLSIDE INTERSECTION)**

Case No. VAC2001-00024

MORE FULLY DESCRIBED BELOW)



VACATION ORDER

NOW on this 14th day of August, 2001, comes on for hearing the petition for vacation filed by Wesley Medical Center LLC & Doug Maryott, praying for the vacation of the following described Rutan Avenue and its Right-of-Way & Edgemont Avenue and its Right-of-Way, to-wit:

That part of Rutan Avenue lying north of the north right-of-way line of Central Avenue to the north right-of-way line of Edgemont Avenue, as extended to the west, together with the part of Edgemont Avenue lying east of the right-of-way line of Rutan Avenue thence east to a point 100 feet west of the center line of Vassar Avenue described as follows: Beginning at the southwest corner of Lot 1, Wesley Endowment Addition, Wichita, Sedgwick County, Kansas; thence north 287.75 feet to the northwest corner of Lot 3, Wesley Medical Center Second Addition, Wichita, Kansas; thence east along the north line of said Lot 3, 255.84 feet to the northeast corner of said Lot 3; thence north perpendicular to the north line of said Lot 3, 60 feet to a point on the north right-of-way of Edgemont; thence west along the north right-of-way line of Edgemont 315.84 feet more or less, to a point on the east line of Lot 2, Wesley Medical Center 2nd Addition, Wichita, Sedgwick County, Kansas; thence south along the west right-of-way of Rutan Avenue to appoint 50 feet north of the south line of the SW ¼ of Sec. 14, Twp. 27-S, R-1-E of the 6th P.M. Sedgwick County, Kansas; thence east perpendicular to the west right-of-way line of Rutan Avenue, 60 feet to the 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 Wichita Eagle on May 31, 2001, 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 Rutan Avenue and its Right-of-Way & Edgemont Avenue and its Right-of-Way, 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 applicant shall retain Rutan and Edgemont as utility easements and will post Edgemont and Rutan as private drives.

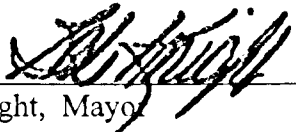
6. The vacation of Rutan Avenue and its Right-of-Way & Edgemont Avenue and its Right-of-Way described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of August 2001, ordered that the above-described Rutan Avenue and its Right-of-Way & Edgemont Avenue and its Right-of-Way 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



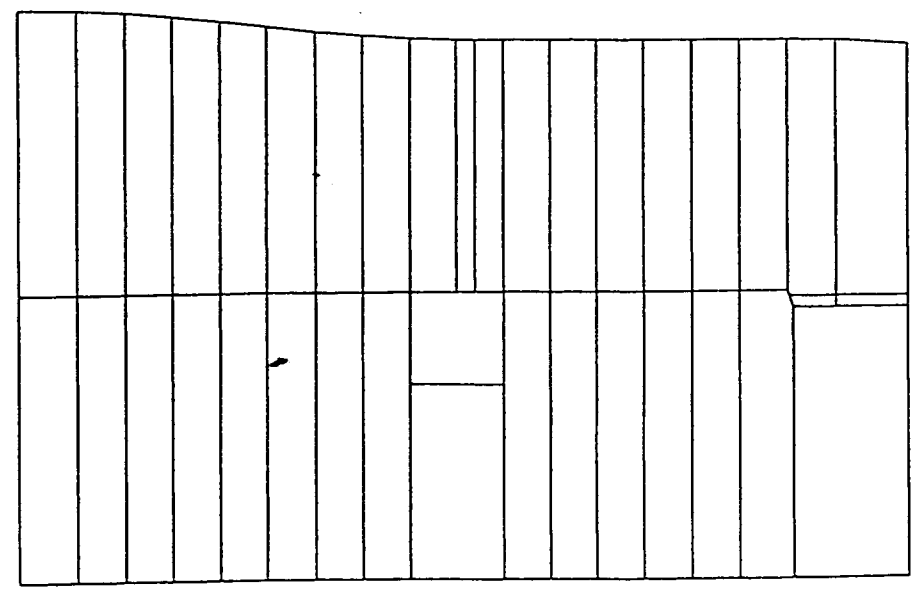
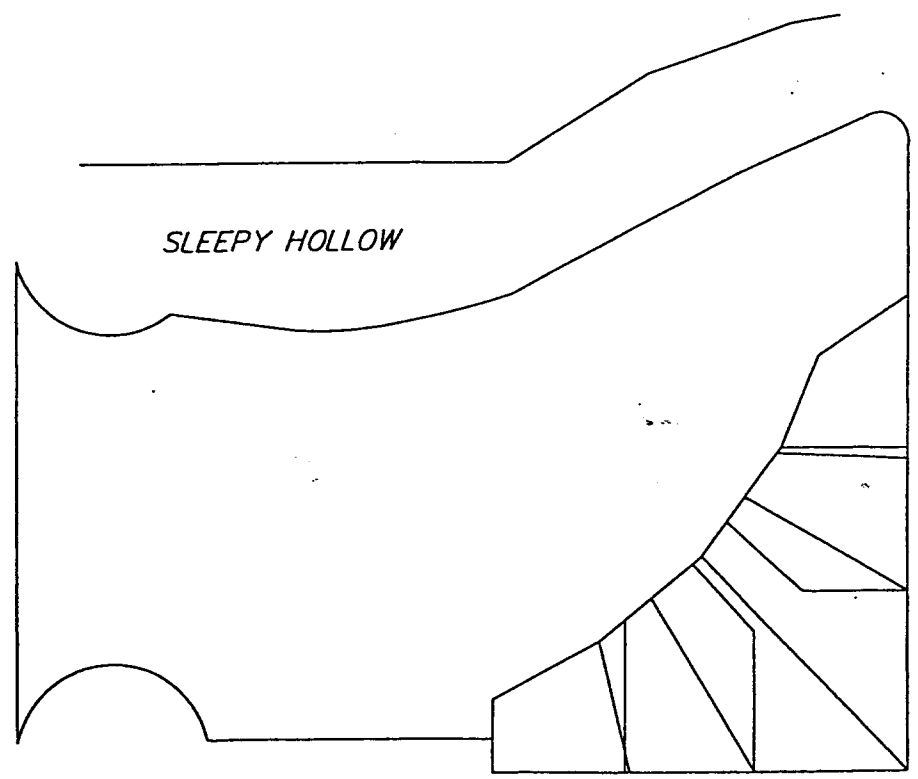
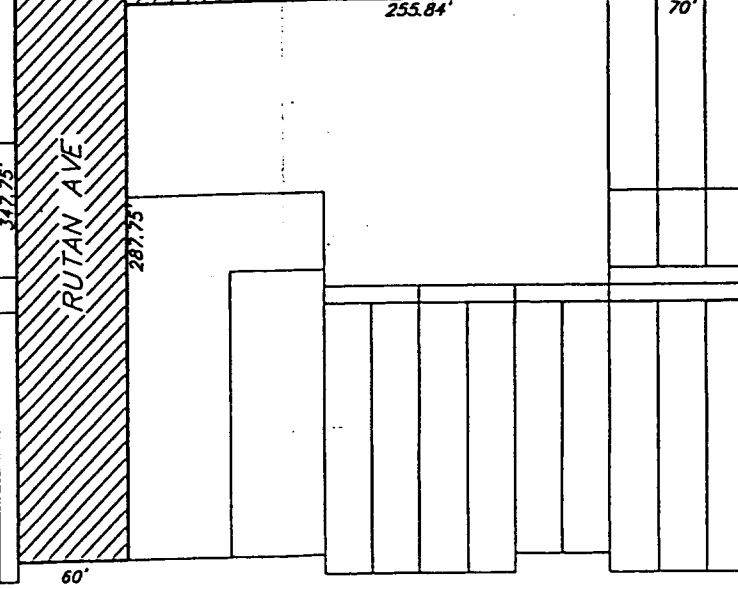
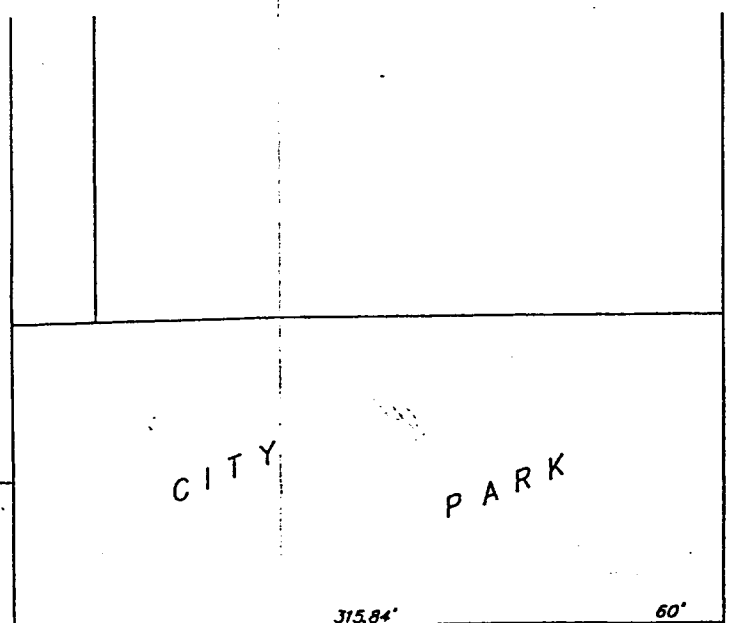

Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

EXHIBIT A

HILLSIDE AVE
WESLEY
MEDICAL
CENTER



CENTRAL AVE