

**City of Wichita
City Council Meeting
June 18, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2001-00018 - REQUEST TO VACATE TWO 16-FOOT UTILITY EASEMENTS AND A 10 FOOT KG&E EASEMENT GENERALLY LOCATED NORTHEAST OF THE WEST STREET – UNIVERSITY INTERSECTION.**
(District IV)

INITIATED BY: Metropolitan Area Planning Department *MKout*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of two 16-foot utility easements and a 10-foot KG&E easement.

MAPC Recommendation: Approve vacation of two 16-foot utility easements and a 10-foot KG&E easement. (unanimous)

Background: The applicant is requesting consideration to vacate two 16-ft utility easements and a 10-ft KG&E Easement. The applicant proposes to demolish existing development and redevelop the site. The redevelopment of this property (a Taco Bell spanning Lots 26 & 25, a combination Blockbuster and retail spanning Lots 34 & 33 and Lots 42 & 41) will encroach on the three easements. The easements are not dedicated on the plat (The Quincy Addition, recorded 03-05-1887), but dedication by separate instruments; the two 16-ft utility easements dedicated to the City of Wichita, 06-15-1951 and the 10-ft urban easement to KG&E, 01-21-1964.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to the dedication of a 20-foot 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 necessary signatures.

Depl.

JUN 19 2001

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

RECEIVED

JUN 21 2001

METROPOLITAN PLANNING
ROUTE _____

IN THE MATTER OF THE VACATION OF)
TWO 16-FOOT UTILITY EASEMENTS AND A)
10-FOOT KG&E EASEMENT)

GENERALLY LOCATED)
WEST STREET AND UNIVERSITY)

Case No. VAC2001-00018

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 18th day of June, 2001, comes on for hearing the petition for vacation filed by Fugate Enterprises c/o J. Larry Fugate, praying for the vacation of the following described two 16-foot utility easements and a 10-foot KG&E easement, to-wit:

Two (2) 16-foot utility easements established by instrument filed in Misc. Book 231, Page 381, over Lots 25 and 26, and Lots 33 and 34, Block 4, Quincy Addition to Wichita, Sedgwick County, Kansas.

And

One (1) 10-foot KGE Urban Easement established by instrument filed in Misc. Book 532, Page 569, over Lots 41 and 42, Block 4, Quincy Addition to 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 Wichita Eagle on May 3, 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 two 16-foot utility easements and a 10-foot KG&E 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 two 16-foot utility easements and a 10-foot KG&E easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of June 2001, ordered that the above-described 16-foot utility easements and a 10-foot KG&E 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.

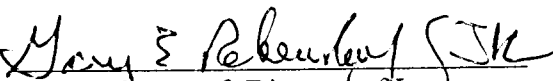
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

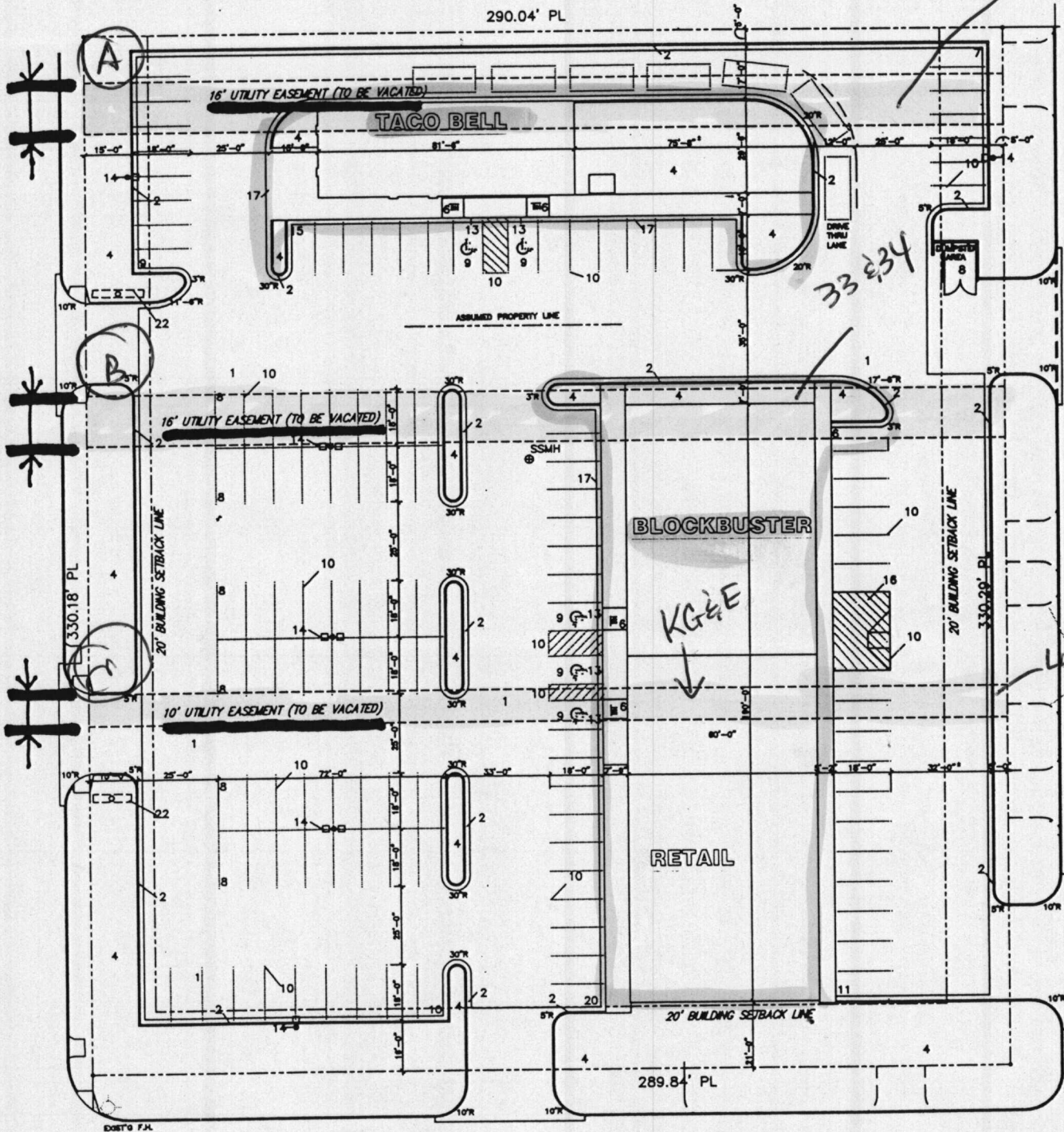
A & B = public utility MESSAGE

C = K&E utility

25826

WEST STREET

ILLINOIS STREET



EMMA AVE.