

Planning Agenda # _____

**City of Wichita
City Council Meeting
May 8, 2001**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00014 - REQUEST TO VACATE UTILITY
EASEMENT LOCATED AT THE SOUTHWEST CORNER OF
KELLOGG AND MAIN.
(District I)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Wright
bkt*

Staff Recommendation: Approve vacation of utility easement.

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

Background: The applicant proposes construction of 4 new buildings, 2 of which would encroach on the utility easement. There is currently an encroachment on the easement by an existing building.

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. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds. The Clerk will need to record two (2) substitute easements that were required as conditions of approval.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

Handwritten signature/initials

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

RECEIVED

MAY 10 2001

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

METROPOLITAN PLANNING
ROUTE ☐ _____

**GENERALLY LOCATED
SOUTHWEST CORNER OF KELLOGG AND
MAIN**

Case No. VAC2001-00014

MORE FULLY DESCRIBED BELOW

VACATION ORDER

NOW on this 8th day of May, 2001, comes on for hearing the petition for vacation filed by Candlewood Hotel Company, praying for the vacation of the following described utility easement, to-wit:

Beginning at a point at the southeast corner of Lot 2, thence north a distance of 26.35 feet, thence west a distance of 146.31 feet, thence north a distance of 150.75 feet, thence west a distance of 20.00 feet, thence south a distance of 177.10 feet, thence east a distance of 166.31 feet to the point of beginning. The South Main Plaza Addition, Sedgwick County, City of Wichita, 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 March 29, 2001, which was at least 20 days prior to the public hearing.

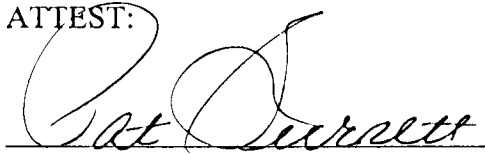
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.

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.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of May 2001, 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

KELLOGG

S MAIN ST

S WATER ST

W ORME ST

