

City of Wichita  
City Council Meeting  
August 5, 2003

FILE COPY

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00029 REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT LOCATED BETWEEN HARRY STREET AND ESTHNER AVENUE, WEST OF SHERIDAN, AND APPROXIMATELY 160-FEET EAST OF SABINE – ESTHNER AVENUE INTERSECTION.  
(District IV)

**INITIATED BY:** Metropolitan Area Planning Department *JLS*

**AGENDA:** Planning

---

**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimous)

**Background:** The applicant is requesting consideration for the vacation of the east 2 feet (x) 511.3 feet of the platted 23-foot easement as recorded on Lot 1, Sherwood Industrial Park III. Sherwood Industrial Park III was recorded with the Register of Deeds 09-15-1987.

**Analysis:** The applicant requests the vacation to remove a new building out of the easement. There is sewer in the easement proposed for vacation. The applicant owns the abutting western properties, Lots 3, 4, & 5, Block 1, Wichita Builders Addition, which run the length of the proposed vacated easement. Dedication of 2-feet to the remaining easement (21-feet) would be on these western properties, which would allow the easement to maintain its prevacated 23-foot width.

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.

**Financial Considerations:** None

**Legal Considerations:** A certified copy of the Vacation Order and a Dedication of a Utility Easement will be recorded with the Register of Deeds

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

RECEIVED

AUG 08 2003

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED EASEMENT )**

**GENERALLY LOCATED )  
BETWEEN HARRY STREET AND ESTHNER )  
AVENUE, WEST OF SHERIDAN, AND )  
APPROXIMATELY 160-FEET EAST OF SABINE- )  
ESTHNER AVENUE INTERSECTION )**

**Case No. VAC2003-00029**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

NOW on this 5<sup>th</sup> day of August, 2003, comes on for hearing the petition for vacation filed by Wildcat Construction c/o John Sherwood, praying for the vacation of the following described a portion of a platted easement, to-wit:

That east 2-feet of the platted 23 foot wide easement, beginning at the southwest corner of Lot 1, Sherwood Industrial Park III, Wichita, Sedgwick County, Kansas and running for a distance of 511.3 feet north

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 Derby Reporter on June 19, 2003, 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 the platted 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.

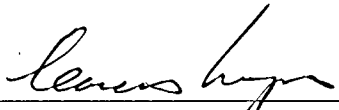
5. The vacation of a portion of the platted easement described herein should be approved.

IT IS; THEREFORE, BY THE CITY COUNCIL, on this 5<sup>th</sup> day of August 2003, ordered that the above-described portion of the platted 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 Graves, City Clerk

  
Carlos Mayans, Mayor

Approved as to Form:

  
Gary Rebenstorf, Director of Law



NNA

MERTON

BAEHR

ESTHNER

SABIN



TRACY

HARRY

BOUNOUS

NEVADA

RENCE

FLORENCE

COLORADO