

City of Wichita
City Council Meeting
July 8, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00023 REQUEST TO VACATE A PORTION OF A PLATTED UTILITY EASEMENT LOCATED NORTHWEST OF THE 29TH STREET NORTH – WEBB ROAD INTERSECTION.
(District II)

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 20-foot platted utility easement as recorded on Lot 5, Block 2, Regency Park Addition, generally located northwest of the 29th Street North – Webb Road intersection, 9920 East 29th Street North. The Regency Park Addition was recorded with the Register of Deeds in 2000.

Anayksis: The applicant requests the vacation to allow for more building square footage. There is no sewer, water or utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order 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.

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

**IN THE MATTER OF THE VACATION OF)
A PORTION OF A)
PLATTED UTILITY EASEMENT)
)
GENERALLY LOCATED NORTHWEST OF THE)
29TH STREET NORTH - WEBB ROAD)
INTERSECTION)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2003-00023

VACATION ORDER

NOW on this 8th day of July, 2003, comes on for hearing the petition for vacation filed by KD Roofing Inc., c/o Keith Duggan, praying for the vacation of the following described of a portion of a platted utility easement, to-wit:

That part of the utility easement described as the west 20 feet, excepting the north 10 feet and the south 10 feet, of Lot 5, Block 2, Regency Park Addition, 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:

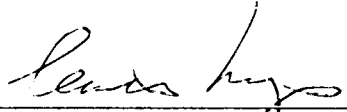
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on May 29, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described

RECEIVED
JUL 21 2003
METROPOLITAN PLANNING
ROUTE

portion of the platted 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 the platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 8th day of July 2003, ordered that the above-described a portion of a 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.

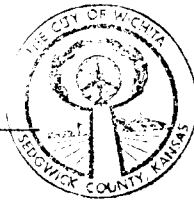


Carlos Mayans, Mayor

ATTEST:



Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

