

City of Wichita
City Council Meeting
June 17, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00017 REQUEST TO VACATE A PLATTED EASEMENT
LOCATED NORTHEAST OF THE 21ST STREET NORTH – 127TH
STREET EAST INTERSECTION, 2418 & 2422 PECKHAM STREET.
(District II)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

Recommendation: Approve.

Background: The applicant is requesting consideration for the vacation of the platted 20-foot utility and drainage easement as recorded on Lots 20 & 21, Block 2, Hawthorne Addition. The applicant proposes future use of the land. The Hawthorne Addition was recorded with the Register of Deeds March 18, 1985.

Analysis: There is no water or sewer in the easement proposed for vacation. Because of the proposed development of the property and the properties adjacent to it there will be no need for the easement to be used for any future water or sewer lines. Public Works has confirmed the relocation of the storm water drain from this site to between Lots 19 & 20, Block 2, Hawthorne Addition. There are no private utilities in the easement and there will be no need for the easement to be used for any future water private utilities

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)
PLATTED EASEMENT)**

**GENERALLY LOCATED)
NORTHEAST OF THE 21ST STREET NORTH -)
127TH STREET EAST INTERSECTION)**

MORE FULLY DESCRIBED BELOW)

Case No. VAC2003-00017

RECEIVED

JUL 02 2003

METROPOLITAN PLANNING

ROUTE 8

VACATION ORDER

NOW on this 17th day of June, 2003, comes on for hearing the petition for vacation filed by Twenty-First Growth LLC, praying for the vacation of the following described platted easement, to-wit:


The platted 20-foot utility & drainage easement running parallel to the common lot line of Lots 20 & 21, Block 2, Hawthorne Addition, Wichita, Sedgwick County Kansas, ending at its point of intersection with the platted 20-foot utility easement running parallel to Peckham Street.

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:

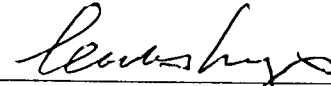
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on May 1, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted easement, and the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

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of June 2003, ordered that the above-described 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

SEDGWICK COUNTY

