

City of Wichita
City Council Meeting
September 14, 2004

Agenda Report No. _____

TO: Mayor and City Council

SUBJECT: VAC2003-00016 Request to vacate temporary easements dedicated by separate instruments, generally located southwest of the Greenwich Road – Kellogg Avenue intersection.
(District II)

INITIATED BY: Metropolitan Area Planning Department *JUS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimously)

Background: The applicant is requesting consideration for the vacation of two temporary easements located on the east side of Lot 1, East Kellogg Acres, as recorded on Film 359, Page 387. The East Kellogg Addition was recorded with the Register of Deeds December 23, 1955.

Analysis: There is no mention of the purpose of the easements on the dedication, but the dedication does refer to no encroachment into the temporary easement and no interference with the ingress and egress onto the temporary easement. There is no reference on the dedication of how long the temporary easement would be in effect, thus the request to vacate. A condition of the vacation request was that the applicant provide a drainage plan for review and approval by the Public Works Engineer and Storm Water Management; this condition has been met. The vacation request is associated with CON2003-00007, a Conditional Use for a car wash, which was approved by the MAPC at their April 24, 2003 meeting.

The MAPC and its Subdivision Committee voted unanimously to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing and its Subdivision Committee meeting. No written protests have been filed.

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.

RECEIVED

SEP 23 2004

METROPOLITAN PLANNING
ROUTE _____

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

**IN THE MATTER OF THE VACATION OF)
OF A TEMPORARY EASEMENT)
DEDICATED BY SEPARATE INSTRUMENT)
)
GENERALLY LOCATED)
SOUTHWEST OF THE GREENWICH ROAD)
AND KELLOGG AVENUE INTERSECTION)
)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2003-00016

VACATION ORDER

NOW on this 14th day of September, 2004 comes on for hearing the petition for vacation filed by Environmental LLC, Greenwich Lantern Inc., c/o Brian Richardson (contract purchaser), praying for the vacation of the following described temporary easement dedicated by separate instruments, to-wit:

The temporary easement dedicated by separate instrument and described on Page 359, Film 387 as recorded 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 April 17, 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 temporary easement dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.

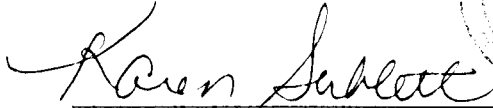
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 temporary easement dedicated by separate instruments described herein should be approved.


IT IS, THEREFORE, BY THE CITY COUNCIL, on this 14th day of September 2004 ordered that the above-described temporary easement dedicated by separate instruments 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:




Karen Sublett, City Clerk



 ~~VICE MAYOR~~
for Carlos Mayans, Mayor

Approved as to Form:


Gary Reberstorf, Director of Law

