

City of Wichita
City Council Meeting
June 17, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00015 REQUEST TO VACATE A PORTION OF A PLATTED
EASEMENT LOCATED SOUTHWEST OF THE DOUGLAS – TYLER
ROAD INTERSECTION, 9119 & 9115 WEST DOUGLAS & 118 SOUTH
ARCADIA.
(District V)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

Recommendation: Approve.

Background: The applicants are requesting consideration for the vacation of the platted 20-foot utility easement as recorded on Lots 1, 2 & 4, Berlin Addition. The applicants propose future use of their properties including building a swimming pool, on Lot 2. The Berlin Addition was recorded with the Register of Deeds February 4, 1992.

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. 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.

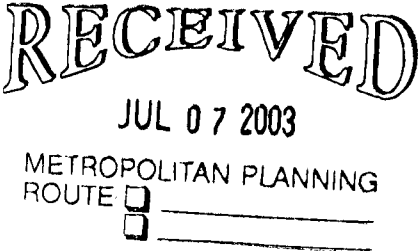
Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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)
A PORTION OF A PLATTED UTILITY)
EASEMENT)
)
GENERALLY LOCATED)
SOUTHWEST OF THE DOUGLAS – TYLER)
ROAD INTERSECTION)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2003-00015



VACATION ORDER

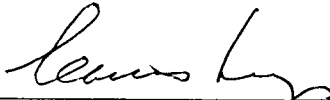
NOW on this 17th day of June, 2003, comes on for hearing the petition for vacation filed by Jill & Ray Jones; Doug & Betty Clarke; Don & Alice Roberts, praying for the vacation of the following described a portion of a platted easement, to-wit:

The platted 20-foot utility easement on the south property lines of Lots 1 & 2 and the north property line of Lot 4, Berlin Addition, Wichita, Sedgwick County Kansas, ending at its point of intersection with the platted drainage and utility easement on the east side of Lots 2 & 4, Berlin 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:

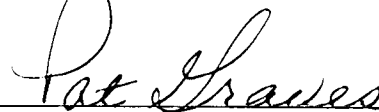
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter on May 1, 2003, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted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

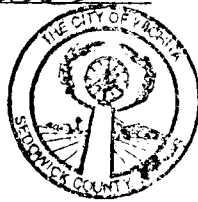


Carlos Mayans, Mayor

ATTEST:



Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law

WESTFIELD

ARCADIA

DOUGLAS

BYRON

TYLER RD.

