

City of Wichita
City Council Meeting
June 3, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00013 REQUEST TO VACATE PLATTED UTILITY
EASEMENT LOCATED EAST OF BROADWAY AND NORTH OF 50TH
STREET

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA: Planning

Background: The applicant is proposing a building that will encroach into the platted 10-foot easement located on the north side of Lot 2, Block 1, Florence Addition. The Florence Addition was recorded with the Register of Deeds 05-13-1985.

Analysis: There are no sewer, water or other utilities in the easement. There is a Lot Split associated with this case. Sewer and water will have to be extended to the site(s).

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.

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)
NORTHEAST OF THE BROADWAY AVENUE -)
50TH STREET SOUTH INTERSECTION)**

Case No. VAC2003-00013

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

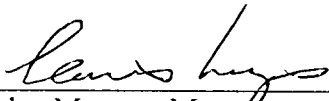
NOW on this 3rd day of June, 2003, comes on for hearing the petition for vacation filed by Bernard H. Trachtman Trust, Dennis Bailey & Allan Kissack, praying for the vacation of the following described a portion of a platted utility easement, to-wit:

The platted 10-foot utility easement running parallel to the north property line of Lot 2, Block 1, Florence Addition, ending at its point of intersection with the eastern 10-foot half of the platted 20-foot utility easement running parallel to the property lines of Lots 1 and 2, Block 1, Florence 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 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 portion of a 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 a platted utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of June 2003, ordered that the above-described a portion of a platted utility 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

48TH ST S

BROADWAY

50TH ST S

