


City of Wichita
City Council Meeting
June 3, 2003

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00011 REQUEST TO VACATE ACCESS EASEMENT
DEDICATED BY SEPARATE INSTRUMENT GENERALLY LOCATED
SOUTHEAST OF MURDOCK AVENUE AND MARKET STREET.

INITIATED BY: Metropolitan Area Planning Department 

AGENDA: Planning

Background: The applicants are requesting the vacation of the access easement from the alley to Market, as dedicated by separate instrument. The Munger's Original Town Addition was recorded in Butler and Sedgwick counties in 1870.

Analysis: The dedication was recorded with the Register of Deeds, 12 -2000, film 2123, page 0401. The dedication was a condition of VAC2000-40, which was a request to vacate the northern 1/3 of the alley. VAC2000-40 was approved by the MAPC at their 09-21-2000 meeting. The rest of this alley was vacated by VAC2003-05, which was approved by the MAPC at their 04-10-03 meeting. The elimination of the alley as public ROW made the access easement unnecessary, hence the request.

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.

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

**IN THE MATTER OF THE VACATION OF)
ACCESS EASEMENT DEDICATED BY)
SEPARATE INSTRUMENT)**

**GENERALLY LOCATED)
SOUTHEAST OF MURDOCK AVENUE AND)
MARKET STREET)**

Case No. VAC2003-00011

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 3rd day of June, 2003, comes on for hearing the petition for vacation filed by Wichita Home Builders Enterprises, Inc., Attn: Wes Galyon, praying for the vacation of the following described access easement dedicated by separate instrument (film 2123, page 0401) to-wit:

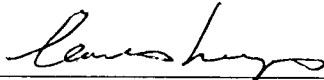
The south 19.47 – feet of Lot 73, together with the north 4.53- feet of Lot 71, and together with the south 3.00 – feet of the north 7.53 – feet of the west 18.00 – feet of said Lot 71, all on Chrisholm Street, now Market Street, in Munger’s Original Town Addition, Wichita, Sedgwick County, Kansas.

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 access 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 access easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of June 2003, ordered that the above-described access easement dedicated by separate instrument 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.

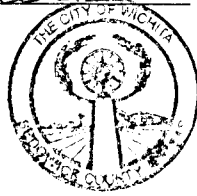


Carlos Mayans, Mayor

ATTEST:



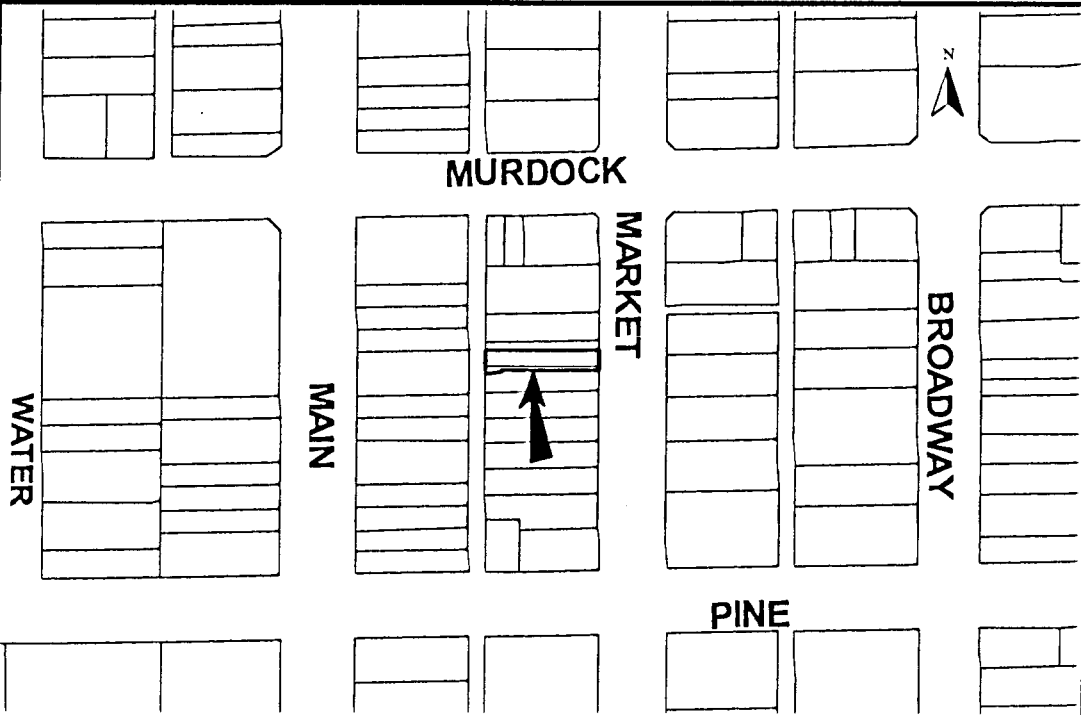
Pat Graves, City Clerk



Approved as to Form:



Gary Rebenstorf, Director of Law



MURDOCK



MARKET

BROADWAY

MAIN



PINE

WATER