

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 18, 2003**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **VAC2003-00002 - REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT LOCATED NORTHWEST OF 29TH STREET NORTH AND WEBB ROAD.**
(District II)

INITIATED BY: Metropolitan Area Planning Department *DM
b/llw*

AGENDA ACTION: Planning

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a portion of the platted easement as recorded on Lots 1, 2, 3, & 4, Block 1, Mediterranean Office Park Addition. The applicant proposes expansion of the existing medical buildings. The applicant has applied for a lot split to reduce the number of lots (excluding a lot already developed = Lot 5) and reconfigure them. The Mediterranean Office Park Addition was recorded with the Register of Deeds July 28, 1997.

There are no water or sewer services 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 are no plans for private utilities to be in the easement. The City of Wichita Water Department noted that water service to the site must come off of the existing City water line running parallel to Cypress Street, on the west side of the site.

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.

MAR 18 2003

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

IN THE MATTER OF THE VACATION OF A PORTION OF A PLATTED EASEMENT)

GENERALLY LOCATED) NORTHWEST OF THE 29TH STREET NORTH) AND WEBB ROAD INTERSECTION)

Case No. VAC2003-00002

MORE FULLY DESCRIBED BELOW)

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METROPOLITAN PLANNING ROUTE

VACATION ORDER

NOW on this 18th day of March, 2003, comes on for hearing the petition for vacation filed by GTB Enterprise, Inc., c/o Charlie Larson, praying for the vacation of the following described portion of the platted easement, to-wit:

- The south 10-feet of Lot 1, Block 1, Mediterranean Office Park Addition except the easterly 20-feet thereof; and except the westerly 20-feet thereof; And also, the north 10-feet of Lot 2, Block 1, Mediterranean Office Park Addition, except the westerly 20-feet thereof; And also, the north 10-feet of Lot 3, Block 1, Mediterranean Office Park Addition, And also, the north 10-feet of Lot 4, Block 1, Mediterranean Office Park Addition.

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 Wichita Eagle on February 13, 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. Water service to the site shall be extended from the existing City water line that runs parallel to Cypress Street, on the west side of the site.
4. In justice to the petitioner(s), the prayer of the petition ought to be granted.
5. 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.

6. The vacation of the portion of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 18th day of March 2003, ordered that the above-described a 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.



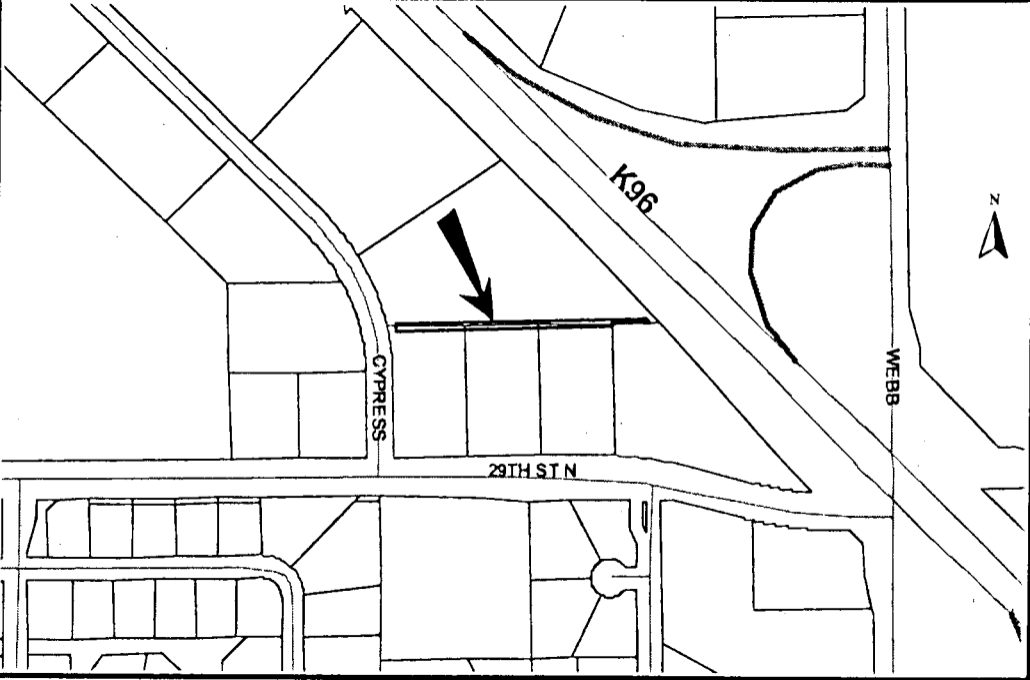
ATTEST:

for Patay Ellis, Deputy
Pat Graves City Clerk

Bob Knight
Bob Knight, Mayor

Approved as to Form:

Mary E. Rebenstorf, SAC
Gary Rebenstorf, Director of Law



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WEBB

29TH ST N

