

Planning Agenda # _____

**City of Wichita
City Council Meeting
April 9, 2002**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00060 - REQUEST TO VACATE 20-FOOT UTILITY
EASEMENT LOCATED SOUTHWEST OF THE WEST
HARRY STREET - SOUTH MARKET STREET
INTERSECTION.
(District III)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

M. Burt

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting to vacate a 20-foot, north-south utility easement, located south of Harry Market Street and on Main Street. The applicant proposes to expand the existing Harry Street Elementary School. City departments and representatives of the private utilities have reviewed the vacation request and have determined the easement can be vacated with the relocation or guarantee of the relocation of the manhole in the easement. The applicant has provided a guarantee.

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.

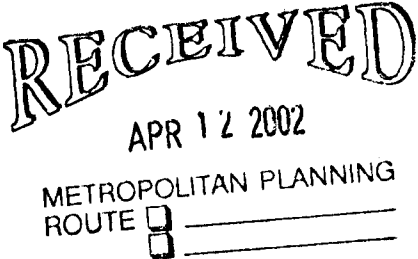
Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/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)
DEDICATED 20-FOOT UTILITY EASEMENT)
)
)
GENERALLY LOCATED)
SOUTHWEST OF THE WEST HARRY STREET -)
SOUTH MARKET STREET INTERSECTION)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2001-00060



VACATION ORDER

NOW on this 9th day of April, 2002, comes on for hearing the petition for vacation filed by USD 259, c/o Joe Hoover, praying for the vacation of the following described dedicated 20-foot utility easement, to-wit:

Established by Ordinance 11-542, a 20-foot utility easement in the alley between Lots 2-24 on the Market Street side and 1-23 on the Main Street side, English's 6th 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 Wichita Eagle on November 29, 2001, 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 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 dedicated 20-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 9th day of April 2002, ordered that the above-described alley 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.



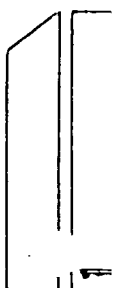
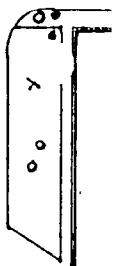
Bob Knight, Mayor

ATTEST:

Pat Burnett, City Clerk

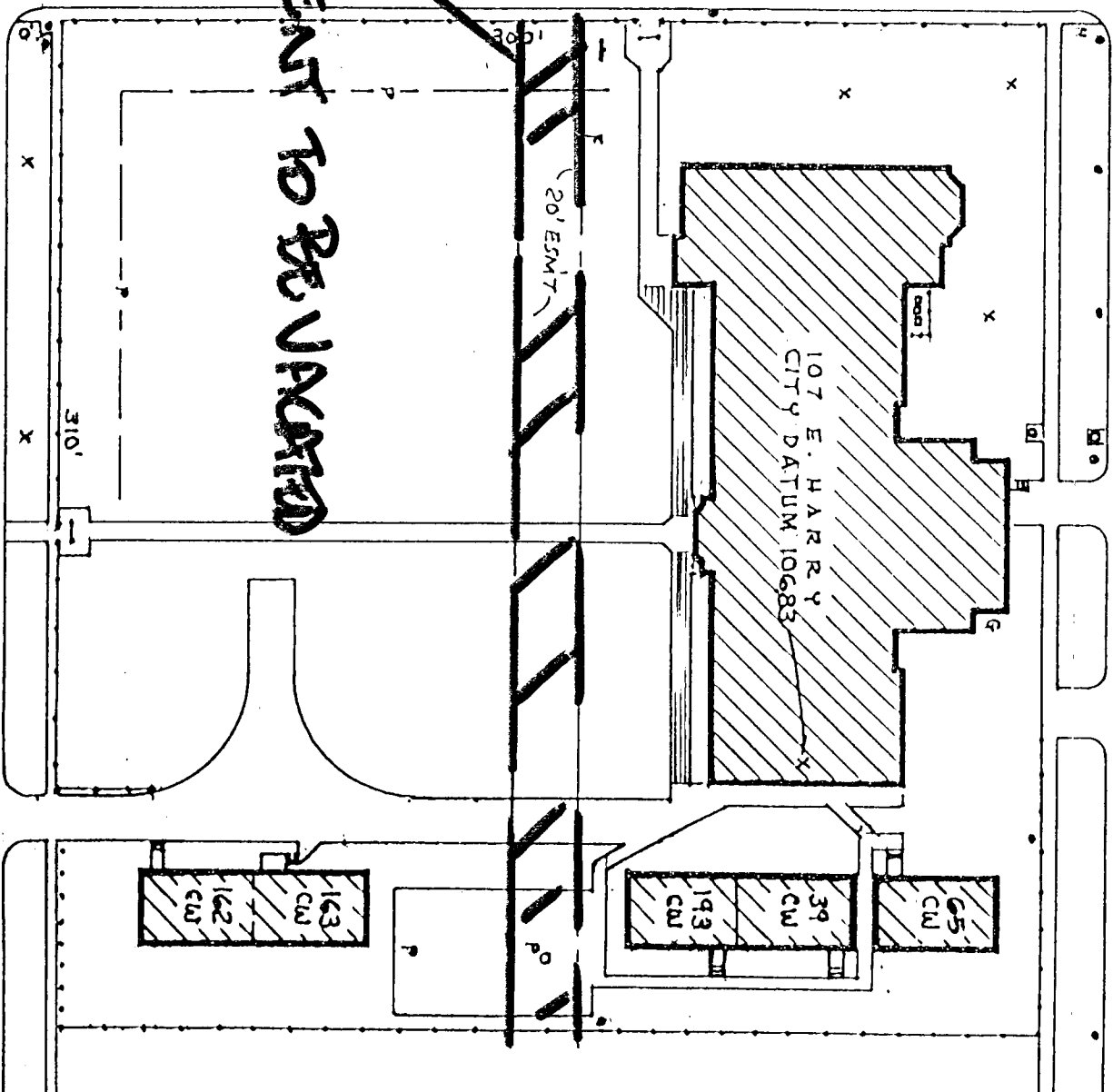
Approved as to Form:

Gary Rebenstorf, Director of Law



MARKET ST.

HARRY ST.



EASEMENT TO BE VACATED

MAIN ST.

190 1" = 60'



ELEMENTARY

HARRY STREET

USA C 2001-60