

Planning Agenda # _____

**City of Wichita
City Council Meeting
March 19, 2002**

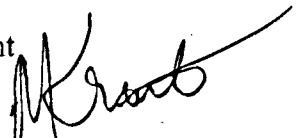
Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00052 - REQUEST TO VACATE A 20-FOOT PEDESTRIAN ACCESS EASEMENT AND A 10-FOOT UTILITY EASEMENT LOCATED NORTHEAST OF THE 29TH STREET N – RIDGE ROAD INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting consideration to vacate the 10-foot utility easement between Lots 8 & 9, Block A, the Ridge Port 4th Addition and a 20-foot pedestrian access easement between Lots 6 & 7, Block B, the Ridge Port 4th Addition. There are no utilities in the 10-foot utility easement between Lots 9 & 8, Blk A, the Ridge Port 4th Addition and there are no plans for utilities to be placed in it in the future. The 20-foot pedestrian access easement is part of a 20-foot utility – drainage easement. The 20-foot pedestrian access easement goes into Reserve C, which is used for recreation, drainage, ponds, landscaping, open space, berms, gazebos, screening walls and sidewalks. The applicant is proposing to provide another pedestrian access easement, 10-foot wide, to the south of the current/proposed vacated one, between Lots 10 & 11, Block B, the Ridge Port 4th Addition. This new pedestrian access easement provides better access to recreational opportunities in Reserve C. The 20-foot drainage - utility easement, that the pedestrian access easement is part of, will be retained.

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.

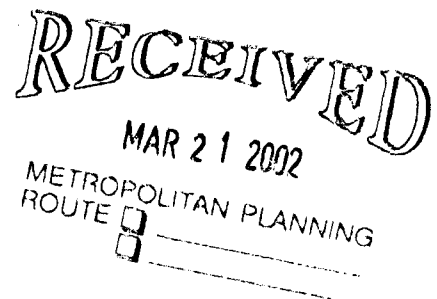
Legal Considerations: A certified copy of the Vacation Order and dedication of a pedestrian access easement will be recorded with the Register of Deeds.

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)
20-FOOT PEDESTRIAN ACCESS EASEMENT)
AND A 10-FOOT UTILITY EASEMENT)
)
GENERALLY LOCATED)
NORTHEAST OF THE 29TH STREET N -)
RIDGE ROAD INTERSECTION)
)
)
)
)
)
)
MORE FULLY DESCRIBED BELOW)**

Case No. VAC2001-00052



VACATION ORDER

NOW on this 19th day of March, 2002, comes on for hearing the petition for vacation filed by Ridge Port Development, c/o Rob Ramseyer, praying for the vacation of the following described 20-foot pedestrian access easement and a 10-foot utility easement, to-wit:

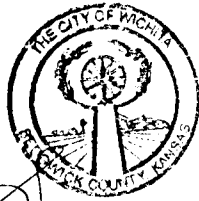
- Pedestrian Access Easement:
The southeastern 10-foot of Lot 6 together with the northwestern 10-feet of Lot 7, Block B, Ridge Port 4th Addition, Wichita, Sedgwick County, Kansas.
- Utility Easement:
The west 5-feet of Lot 8, and the east 5-feet of Lots 9, Block B, Ridge Port 4th Addition, Wichita, 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 20-foot pedestrian access easement and a 10-foot 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.

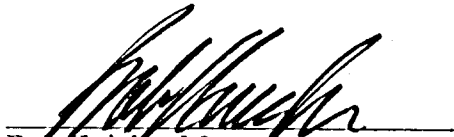
5. The vacation of a 20-foot pedestrian access easement and a 10-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of March 2002, ordered that the above-described 20-foot pedestrian access easement and a 10-foot 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.

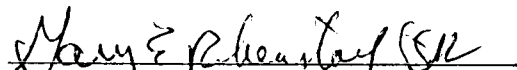


ATTEST:


Pat Burnett, City Clerk


Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

