

City of Wichita
City Council Meeting
November 20, 2001

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00033 - REQUEST TO VACATE RAILROAD EASEMENT GENERALLY LOCATED SOUTHWEST OF THE 37TH STREET N - WEBB ROAD INTERSECTION. (District II)

INITIATED BY: Metropolitan Area Planning Department *M. Kraut*

AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of railroad easement.

MAPC Recommendation: Approve vacation of railroad easement. (unanimous)

Background: The applicants are requesting consideration to vacate portions of platted Railroad Easement along a number of lots in the Comotara Industrial Park 5th Addition. The easement varies in its width from 60-to 20-feet. The easement has not been developed. Other portions of the easement were vacated previously as part of a replat. There is Railroad Easement remaining on 3 lots to the north which has not been vacated. North of 35th Street North there is track owned by the City of Wichita. There are no known plans for the extension of the Rail Road tracks. The Railroad easement is not owned by the or other railroad.

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.

Ampl

Approved / Accepted By City Council
This NOV 20 2001

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

RECEIVED

DEC 03 2001

METROPOLITAN PLANNING
ROUTE _____

**IN THE MATTER OF THE VACATION OF)
RAILROAD EASEMENT)
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)
)
**GENERALLY LOCATED)
SOUTH OF 37TH STREET, WEST OF WEBB ROAD)
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MORE FULLY DESCRIBED BELOW)****

Case No. VAC2001-00033

VACATION ORDER

NOW on this 20th day of November, 2001, comes on for hearing the petition for vacation filed by Pioneer Development, praying for the vacation of the following described railroad easement, to-wit:

The East 60-ft of Lot 1; The east 60-ft of Lot 13; that part of the 60-ft Railroad Easement crossing the west 116.8-ft of Lot 14; the south 20-ft of Lots 18, 19 and 20; the south 20-ft of the west 150-ft of Lot 21; the south 40-ft of the east 50-ft of Lot 21; the south 40-ft of Lot 22; the south 40-ft of the west 30.96-ft of Lot 23, the south 80-ft of the east 40-ft of the west 70.96-ft of Lot 23; the south 40-ft of the east 129.19-ft of Lot 23; and the south 40-ft of Lot 24, Comotara Industrial Park 5th 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 July 19, 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 railroad easement, and the public will suffer no loss or inconvenience thereby.

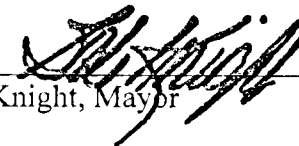
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the railroad easement described herein should be approved with utility and drainage easements in the railroad easement retained.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 20th day of November 2001, ordered that the above-described railroad 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.

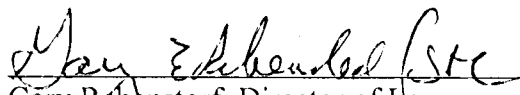
WITNESSETH:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

35TH ST N



34TH ST N



TOBEN



WEBB ROAD

K-96