

Planning Agenda # _____

City of Wichita
City Council Meeting
September 10, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2001-00030 - REQUEST TO VACATE 60-FOOT
DRAINAGE AND UTILITY EASEMENT LOCATED
NORTHWEST OF THE MAIN STREET - NORTH 9TH
STREET INTERSECTION.
(District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. K. Kunt
by H*

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous).

Background: The applicant is requesting consideration to vacate the 60-ft utility-drainage easement, as dedicated on Lot 6, Midtown 3rd Addition, approved by the WCC 10-05-1985. The applicant is proposing expansion of Park Elementary School, USD 259.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, subject to dedication of substitute easements, and 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 of dedications for a drainage and utility easement will be recorded with the Register of Deeds for a drainage and utility easement and a utility easement.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the necessary signatures.

This SEP 10 2002

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

**IN THE MATTER OF THE VACATION OF
60-FOOT DRAINAGE AND UTILITY EASEMENT**

**GENERALLY LOCATED
NORTHWEST OF THE MAIN STREET - NORTH
9TH STREET INTERSECTION**

MORE FULLY DESCRIBED BELOW

Case No. VAC2001-00030

RECEIVED

SEP 13 2002

**METROPOLITAN PLANNING
ROUTE 8**

VACATION ORDER

NOW on this 10th day of September, 2002, comes on for hearing the petition for vacation filed by USD 259, praying for the vacation of the following described 60-foot drainage and utility easement, to-wit:

The 60-foot utility – drainage easement as granted in Lot 6, Midtown 3rd 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 June 28, 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 60-foot drainage and 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 60-foot drainage and utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 10th day of September 2002, ordered that the above-described 60-foot drainage and 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
Pat Burnett, City Clerk

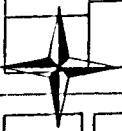
Bob Knight
Bob Knight, Mayor

Approved as to Form:

Mary E. Rebenstorf
Gary Rebenstorf, Director of Law

N MARKET ST

N



N MAIN ST

W 10TH ST N

N WATER ST



N FAIRVIEW AVE

W 9TH ST N