

Planning Agenda # _____

City of Wichita
City Council Meeting
November 19, 2002

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: VAC2002-00036 - REQUEST TO VACATE SEWER EASEMENT DEDICATED BY SEPARATE INSTRUMENT LOCATED NORTHWEST OF THE WACO - 13TH STREET NORTH INTERSECTION, 439 WEST 14TH STREET NORTH.

(District VI)

INITIATED BY: Metropolitan Area Planning Department *DM*

AGENDA ACTION: Planning

Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: USD 259, as part of an expansion and improvements to North High School, proposes to build a school building on what is now a parking lot for the High School. The building will encroach over the 20-foot sewer easement located on the north 150.6-feet of Lot 1, Dillon 9th Addition. The Dillon 9th Addition was recorded with the Register of Deeds 11-18-1982 and the sewer easement was recorded with the Register of Deeds 06-06-1983. North High School is recognized as a Historic Regional Site. There are no conditions attached to this vacation request.

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)
SEWER EASEMENT DEDICATED BY)
SEPARATE INSTRUMENT)**

**GENERALLY LOCATED)
NORTHWEST OF THE WACO – 13TH STREET)
NORTH INTERSECTION)**

Case No. VAC2002-00036

RECEIVED
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METROPOLITAN PLANNING
ROUTE _____

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 19th day of November, 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 sewer easement dedicated by separate instrument (page 592, film 1195), to-wit:


The south 20 feet of the north 150.6-feet of Lot 1, Dillon 9th 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:

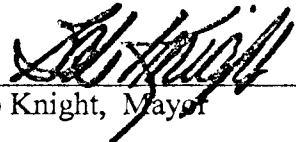
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on October 17, 2002, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described sewer easement dedicated by separate instrument, 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 sewer easement dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19th day of November 2002, ordered that the above-described sewer easement dedicated by separate instrument 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.

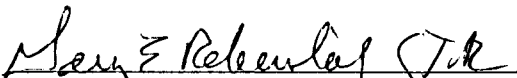
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

14TH

FAIRVIEW

WACO

13TH

ROCHESTER

JACKSON

FAIRVIEW

LEWELLEN

