

Planning Agenda # \_\_\_\_\_

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

**Agenda Report # \_\_\_\_\_**

**TO:** Mayor and City Council

**SUBJECT:** **VAC2002-00033 - REQUEST TO VACATE A PORTION OF PLATTED WATER AND UTILITY EASEMENTS, GENERALLY LOCATED NORTHWEST OF THE KELLOGG - WEST STREET INTERSECTION, 4600 W. KELLOGG DRIVE, TOWNE WEST SQUARE.**  
(District IV)

**INITIATED BY:** Metropolitan Area Planning Department *DM*

**AGENDA ACTION:** Planning

-----  
Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant is requesting consideration for the vacation of a portion of the platted 10-foot water and 20-foot utility easements as recorded on Lot 9, Towne West 2<sup>nd</sup> Addition. The applicant proposes to demolish the existing building and build a Dick's Sporting Goods.

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 with the condition that certified copies of dedications by separate instruments will be recorded with the Register of Deeds for water and utility easements and the applicant provide a guarantee of the relocation of water and sewer.

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 )  
A PORTION OF PLATTED WATER )  
AND UTILITY EASEMENTS )**

**GENERALLY LOCATED )  
NORTHWEST OF THE KELLOGG - WEST )  
STREET INTERSECTION )**

**MORE FULLY DESCRIBED BELOW )**

Case No. VAC2002-00033

**RECEIVED**

NOV 26 2002

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

**VACATION ORDER**

NOW on this 19<sup>th</sup> day of November, 2002, comes on for hearing the petition for vacation filed by Dick's Sporting Goods, praying for the vacation of the following described portion of platted 10-foot water and 20-foot utility easements, to-wit:

Commencing at the Southwest corner of said Lot 9, Towne West Square Addition, Sedgwick County, Wichita, Kansas said point also being on the easterly right-of-way line of interstate highway No. 235; Thence S89°58'25"E a distance of 206.77 feet; thence N13°44'32"W a distance of 104.06 feet; Thence N00°20'20"W a distance of 3.53 feet to the point of beginning of that portion of said easements being vacated: Thence N00°20'20"W a distance of 325.00 feet; Thence N89°39'40"E a distance of 30.00 feet; Thence S00°20'20"E a distance of 325.00 feet; Thence S89°39'40"W a distance of 30.00 feet to the point of beginning. Contains 9,750 square feet or 0.22 acres more or less subject to easements, restrictions and reservations now of record.

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 August 22, 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 portion of the platted water and utility easements, and the public will suffer no loss or inconvenience thereby.

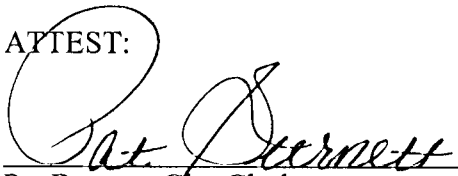
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.

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 portion of the platted water and utility easements described herein should be approved.

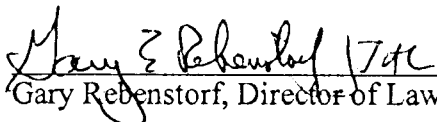
IT IS, THEREFORE, BY THE CITY COUNCIL, on this 19<sup>th</sup> day of November 2002, ordered that the above-described a platted easement is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.

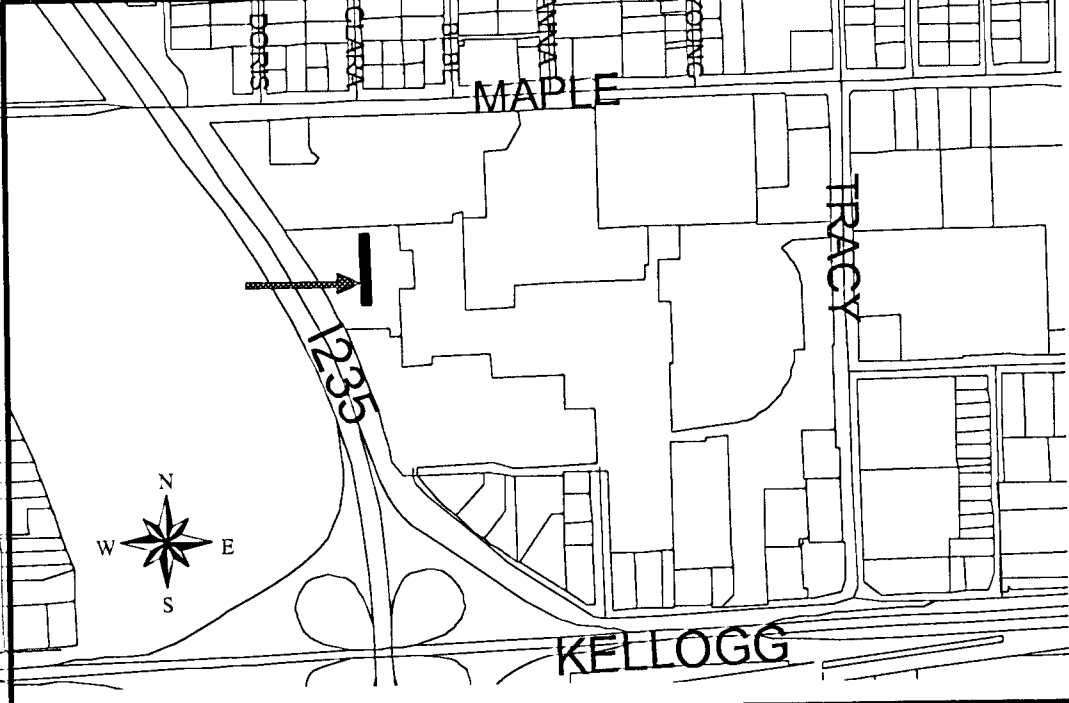
  
\_\_\_\_\_  
Bob Knight, Mayor

ATTEST:  
  
\_\_\_\_\_  
Pat Burnett, City Clerk



Approved as to Form:

  
\_\_\_\_\_  
Gary Rebenstorf, Director of Law



DORIS

CLARA

BETTE

ANNA

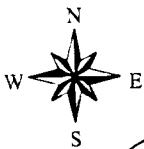
CONING

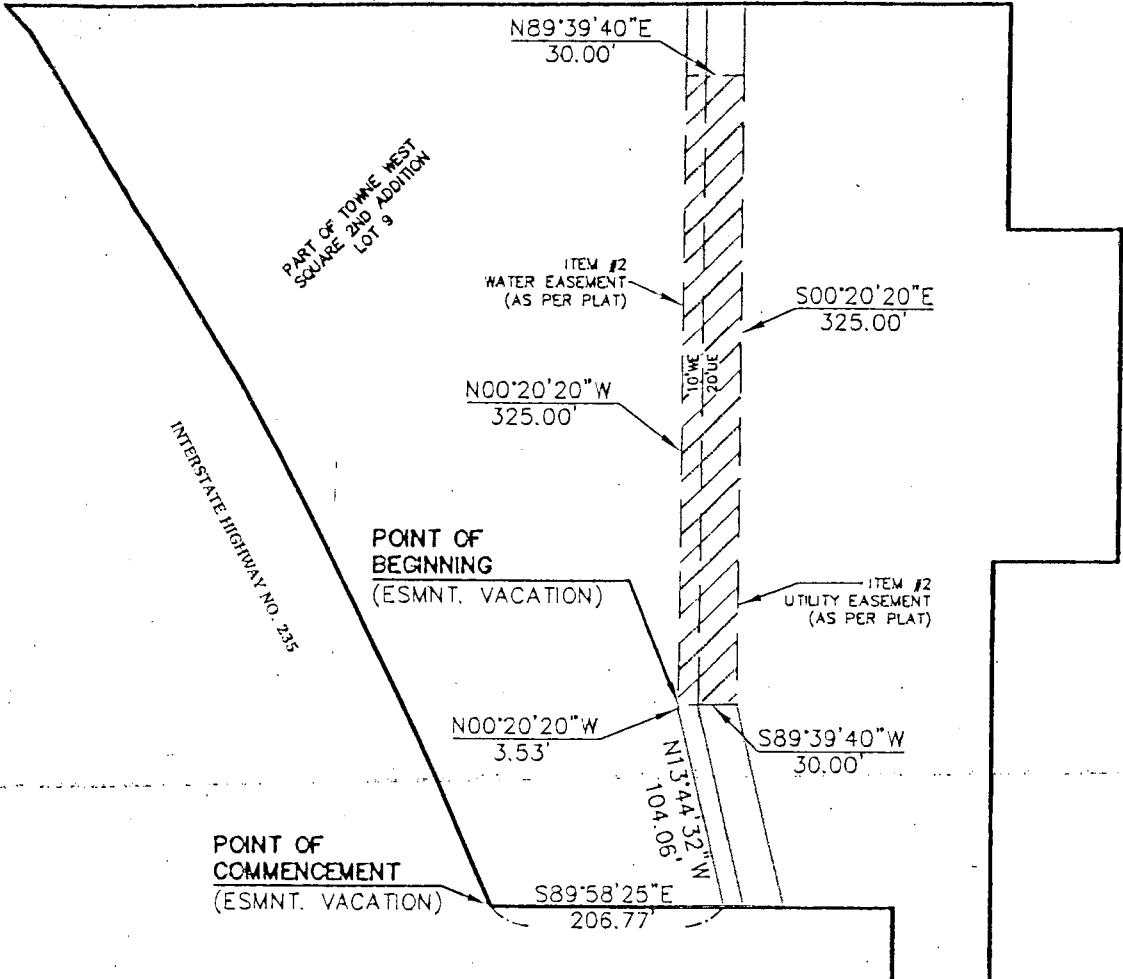
MAPLE

TRACY

1235

KELLOGG





PART OF TOWNE WEST SQUARE 2ND ADDITION LOT 9

INTERSTATE HIGHWAY NO. 235

POINT OF BEGINNING (ESMNT. VACATION)

POINT OF COMMENCEMENT (ESMNT. VACATION)

ITEM #2 WATER EASEMENT (AS PER PLAT)

ITEM #2 UTILITY EASEMENT (AS PER PLAT)