

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

City of Wichita  
City Council Meeting  
December 17, 2002

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

**TO:** Mayor and City Council

**SUBJECT:** VAC2002-00020 - REQUEST TO VACATE A PORTION OF A  
PLATTED 20-FOOT UTILITY EASEMENT LOCATED  
NORTH OF 31<sup>ST</sup> STREET NORTH AND WEST OF WEBB  
ROAD.  
(District II)

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

**AGENDA ACTION:** Planning

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Staff Recommendation: Approve

MAPC Recommendation: Approve (unanimous)

Background: The applicant proposes future development of Lots 4, 5, & 6, Block 4, Mediterranean Plaza Addition, under one ownership and proposes a vacation of the 20-foot (x) 20-foot easement as described in the legal description. City Engineering and private utilities indicated that this portion of the easement was not used and not needed for future services.

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, and the condition that a certified copy of a covenant tying Lots 4, 5 & 6, Block 4, Mediterranean Plaza Addition under one ownership be recorded with the Register of Deeds. The covenant shall become void when each lot has access to 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 )  
PORTION OF A PLATTED )  
20-FOOT UTILITY EASEMENT )**

**GENERALLY LOCATED )  
NORTH OF 31<sup>ST</sup> STREET NORTH AND WEST )  
OF WEBB ROAD )**

**Case No. VAC2002-00020**

**MORE FULLY DESCRIBED BELOW )**

**RECEIVED**

**DEC 20 2002**

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
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**VACATION ORDER**

NOW on this 17<sup>th</sup> day of December, 2002, comes on for hearing the petition for vacation filed by Kansas Spine Hospital, LLC, praying for the vacation of the following described portion of a platted 20-foot utility easement, to-wit:

The West 10-feet of the North 20-feet of Lot 6, Block 4, Mediterranean Plaza Addition, an addition to Wichita, Sedgwick County, Kansas, and the East 10-feet of the North 20-feet of Lot 5, Block 4, Mediterranean Plaza Addition, an addition to 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 May 30, 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 a platted 20-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 portion of a platted 20-foot utility easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17<sup>th</sup> day of December 2002, ordered that the above-described a portion of a platted 20-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 Graves  
City Clerk



Bob Knight  
Bob Knight, Mayor

Approved as to Form:

Gary Rebenstorf STAC  
Gary Rebenstorf, Director of Law

