

City of Wichita
City Council Meeting
March 2, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2004-00003 REQUEST TO VACATE PLATTED EASEMENTS
LOCATED SOUTH OF KELLOGG AVENUE AND EAST OF 143RD
STREET EAST, ALONG CACTUS STREET & LAKEVIEW DRIVE.
(District II)

INITIATED BY: Metropolitan Area Planning Department *JUS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting the multiple vacation of platted 10-foot utility easements, which run parallel to the property line between Lots 12 & 13, Block 3, Lots 7 & 8, Block 1 and Lots 3 & 4, Block 2, Springdale East 2nd Addition. The Springdale East 2nd Addition was recorded with the Register of Deeds October 12, 1980.

Analysis: Multiple lot splits will reconfigure 14 existing lots in Blocks 1, 2 & 3 of the Springdale East 2nd Addition, into 18 lots. There is no sewer, water or franchised utility equipment in the easement. There are no plans for water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

Financial Considerations: None

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

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

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METROPOLITAN PLANNING
ROUTE 9

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

**IN THE MATTER OF THE VACATION OF
PLATTED EASEMENTS**)

**GENERALLY LOCATED SOUTH OF
KELLOGG AVENUE AND EAST OF 143RD
STREET EAST, ALONG LAKEVIEW DRIVE
CACTUS STREET**)

Case No. VAC2004-00003

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 2nd day of March, comes on for hearing the petition for vacation filed by Airtech Enterprises, Inc., praying for the vacation of the following described platted easements, to-wit:

The platted 10-foot utility easement that runs parallel to the property line between Lots 12 & 13, Block 3, Springdale East 2nd Addition, stopping at its point of intersection with the platted 20-foot utility easement that runs parallel to the east property lines of Lot 12 & 13, Block 3, Springdale East 2nd Addition, Wichita, Sedgwick County, Kansas.

The platted 10-foot utility easement that runs parallel to the property line between Lots 7 & 8, Block 1, Springdale East 2nd Addition, stopping at its point of intersection with the platted 20-foot utility easement that runs parallel to the north property lines of Lot 7 & 8, Block 1, Springdale East 2nd Addition, Wichita, Sedgwick County, Kansas.

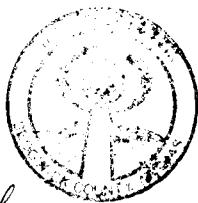
The platted 10-foot utility easement that runs parallel to the property line between Lots 3 & 4, Block 2, Springdale East 2nd Addition, stopping at its point of intersection with the 10-foot portion of the platted 20-foot utility easement and the 10-foot drainage easement dedicated by separate instrument (film 2632, page 77) that runs parallel to the south property lines of Lot 3 & 4, Block 2, Springdale East 2nd Addition, Wichita, Sedgwick County, Kansas.

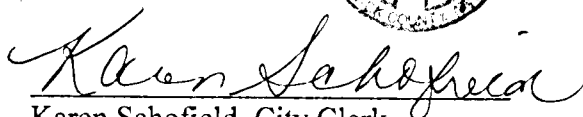
The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

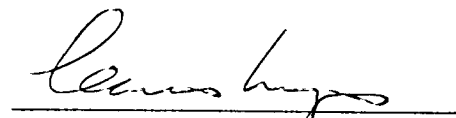
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 29, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described platted easements, 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 the platted easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2nd day of March, ordered at the above-described platted easements 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.

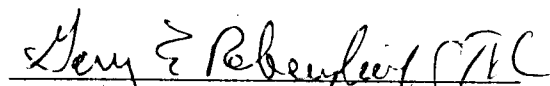
ATTEST:




Karen Schofield, City Clerk


Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

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STAGECOACH

CACTUS

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