

City of Wichita  
City Council Meeting  
March 2, 2004

Agenda Report No.

**TO:** Mayor and City Council

**SUBJECT:** VAC2003-00061 REQUEST TO VACATE A PORTION OF A PLATTED EASEMENT LOCATED SOUTHEAST OF THE GREENWICH ROAD – HARRY STREET INTERSECTION, MORE SPECIFICALLY NORTH OF THE FUNSTON STREET – LEANNE CIRCLE INTERSECTION. (District II)

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

**AGENDA:** Planning (Consent)

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**Staff Recommendation:** Approve.

**MAPC Recommendation:** Approve. (unanimous)

**Background:** The applicant is requesting consideration for the vacation of the 10-foot portion on Lot 68, Block 1, Smithmoor 10<sup>th</sup> Addition of the platted 20-foot drainage/utility easement that runs parallel to the property line of Lots 67 & 68, Block 1, Smithmoor 10<sup>th</sup> Addition. The Smithmoor 10<sup>th</sup> Addition was recorded with the Register of Deeds June 28, 2001.

**Analysis:** The applicant has built a carport into the drainage/utility easement. There is no storm water, water, sewer or franchised utility equipment in the platted easement. There are no plans for storm water, 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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MAR - 9 2004

METROPOLITAN PLANNING  
COMMISSION

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

**IN THE MATTER OF THE VACATION OF )  
A PORTION OF A PLATTED EASEMENT )**

**GENERALLY LOCATED )  
SOUTHEAST OF THE GREENWICH ROAD )  
HARRY STREET INTERSECTION, )  
MORE SPECIFICALLY NORTH OF THE )  
FUNSTON STREET - LEANNE CIRCLE )  
INTERSECTION )**

**Case No. VAC2003-00061**

**MORE FULLY DESCRIBED BELOW )**

**VACATION ORDER**

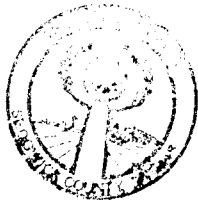
NOW on this 2<sup>nd</sup> day of March, comes on for hearing the petition for vacation filed by RL & Valerie Smith (owner) and James Vander (applicant), praying for the vacation of the following described a portion of a platted easement, to-wit:

The 10-foot portion on Lot 68, Block 1, Smithmoor 10<sup>th</sup> Addition of the platted 20-foot utility/drainage easement which runs between the property line of Lots 67 & 68, Block 1, Smithmoor 10th Addition, stopping at its point of intersections with the platted 20-foot drainage/utility easement that runs parallel to the west property line of Lot 68, Block 1, Smithmoor 10th Addition and the 20-foot platted drainage/utility easement that runs parallel to the north property line of Lot 68, Block 1, Smithmoor 10th Addition

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:

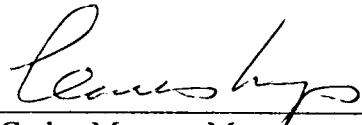
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle on January 15, 2004, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described portion of the platted 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 the portion of the platted easement described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 2<sup>nd</sup> day of March, ordered that the above-described portion of the 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.




ATTEST:

  
Karen Schofield, City Clerk

  
Carlos Mayans, Mayor

Approved as to Form:

  
Gary Rebenstorf, Director of Law

BLUESTEM

SMITHMOOR

LEANNE

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