

City of Wichita
City Council Meeting
February 3, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00059 REQUEST TO VACATE UTILITY EASEMENT
LOCATED EAST OF TYLER AND NORTH OF MEADOW PARK
STREET.
(District V)

INITIATED BY: Metropolitan Area Planning Department *ALS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of a platted 10-foot utility easement, which runs parallel to the property line between Lots 4 & 5, Block C, Fossil Rim Estates Addition. Half of the platted 10-foot easement is on Lot 4 and the other half is on Lot 5. There are no sewer or water lines in the platted easement. The Fossil Rim Estates Addition was recorded with the Register of Deeds May 31, 2002.

Analysis: Half of the platted 10-foot easement is on Lot 4 and the other half is on Lot 5. There are no sewer or water lines in the platted easement. There are no sewer, water or other utilities in the platted 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.

RECEIVED

FEB 24 2004

METROPOLITAN PLANNING
ROUTE _____

Approved / Accepted By City Council

This 2-3-04

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

**IN THE MATTER OF THE VACATION OF)
UTILITY EASEMENT)**

**GENERALLY LOCATED)
EAST OF TYLER AND NORTH OF MEADOW)
PARK STREET)**

Case No. VAC2003-00059

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 3rd day of February, comes on for hearing the petition for vacation filed by Randy Ketzner Construction, Inc., c/o Randy Ketzner, praying for the vacation of the following described utility easement, to-wit:

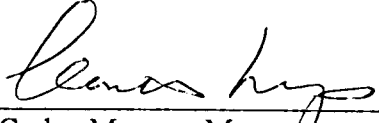
The platted 10-foot utility easement that runs parallel to the property line between Lots 4 & 5, Block C, Fossil Rim Estates Addition, Wichita, Sedgwick County, Kansas.

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 December 18, 2003, which was at least 20 days prior to the public hearing.

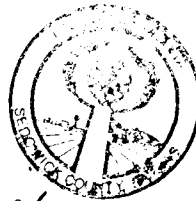
2. No private rights will be injured or endangered by the vacation of the above-described utility easement, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of the utility easement described herein should be approved.


IT IS, THEREFORE, BY THE CITY COUNCIL, on this 3rd day of February, ²⁰⁰⁴ ordered that the above-described 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.



Carlos Mayans, Mayor

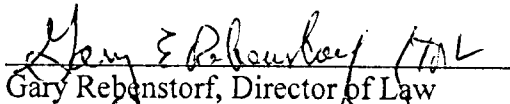
ATTEST:





Karen Schofield, City Clerk

Approved as to Form:



Gary Rebenstorf, Director of Law



29TH ST N

UNINCOR

N

FOSSIL HILL

PEPPER RIDGE

MEADOW PARK

MEADOW PARK

TYLER

PEPPER RIDGE

MEADOW PASS



EXHIBIT

