

City of Wichita
City Council Meeting
January 13, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00058 REQUEST TO VACATE EASEMENTS DEDICATED BY SEPARATE INSTRUMENT LOCATED SOUTHEAST OF THE EDWARDS – LYDIA INTERSECTION.
(District IV)

INITIATED BY: Metropolitan Area Planning Department *JLS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of easements dedicated by separate instrument, film 2207, page 0080, with the Register of Deeds.

Analysis: There is no sewer in the easement. There is a private water line in the easement. The applicant has dedicated a private water line easement to cover the water line, per a condition of a Lot Split of Lots 1 & 2, Block 2, Southwest Industrial Addition. The Southwest Industrial Addition was recorded with the Register of Deeds August 8, 1953. 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.

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

JAN 23 2004

METROPOLITAN PLANNING
ROUTE D _____

Approved / Accepted By City Council

This 1-13-04

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

**IN THE MATTER OF THE VACATION OF)
EASEMENTS DEDICATED BY SEPARATE)
INSTRUMENT)**

**GENERALLY LOCATED)
SOUTHEAST OF THE EDWARDS - LYDIA)
INTERSECTION)**

Case No. VAC2003-00058

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of January 2004, comes on for hearing the petition for vacation filed by Nance Properties, LLC, praying for the vacation of the following described easements dedicated by separate instrument, to-wit:

The south 25-feet of the west 235-feet of Lot 2, Southwest Industrial Addition, Wichita, Sedgwick County, Kansas and the east 15-feet of the west 235-feet of Lots 1 & 2, Block 2, Southwest Industrial Addition, Wichita, Sedgwick County, Kansas, as recorded on film 2207, page 0080, with the Register of Deeds.

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

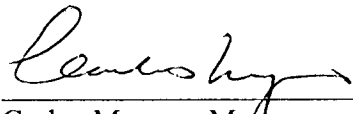
2. No private rights will be injured or endangered by the vacation of the above-described easements dedicated by separate instrument, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection 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 easements dedicated by separate instrument described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January 2004, ordered that the above-described easements dedicated by separate instrument 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.

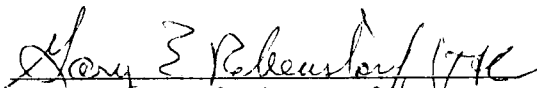
ATTEST:


Karen Schofield, City Clerk




Carlos Mayans, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

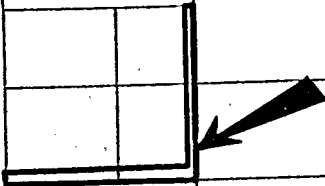


CUSTER

LYDIA

EDWARDS

RITA



MERIDIAN

RITA

LYDIA

LOTUS

GRANT

HASKELL