

City of Wichita
City Council Meeting
January 13, 2004

Agenda Report No.

TO: Mayor and City Council

SUBJECT: VAC2003-00057 REQUEST TO VACATE MULTIPLE PLATTED
EASEMENTS LOCATED SOUTHWEST OF THE MAIZE ROAD –
PAWNEE AVENUE INTERSECTION.
(District V)

INITIATED BY: Metropolitan Area Planning Department *JCS*

AGENDA: Planning (Consent)

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

Background: The applicant is requesting consideration for the vacation of multiple platted easements located in the Southern Ridge Addition. The Southern Ridge Addition was recorded with the Register of Deeds January 15, 2003.

Analysis Lot shifts will reconfigure these lots. The applicant has dedicated new easement to cover the Westar equipment that was in the easements. There is no sewer or water in the easement. There are no plans for water, sewer or other 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, 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 9

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

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

**GENERALLY LOCATED)
SOUTHWEST OF THE MAIZE ROAD -)
PAWNEE AVENUE INTERSECTION)**

Case No. VAC2003-00057

MORE FULLY DESCRIBED BELOW)

VACATION ORDER

NOW on this 13th day of January 2004, comes on for hearing the petition for vacation filed by Maize Road LLC, praying for the vacation of the following described multiple platted easements, to-wit:

The 10 foot utility easement as granted in Lots 27 and 28, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 27, except the north 10.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 28, except the north 10.00 feet thereof.

The 10 foot utility easement as granted in Lots 33 and 34, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the west 5.00 feet of said Lot 33, except the south 10.00 feet thereof, TOGETHER with the east 5.00 feet of said Lot 34, except the south 10.00 feet thereof.

The 10 foot utility easement as granted in Lots 2 and 3, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the south 5.00 feet of said Lot 2, except the west 40.00 feet thereof, TOGETHER with the north 5.00 feet of said Lot 3, except the west 40.00 feet thereof.

The 10 foot utility easement as granted in Lots 5 and 6, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the south 5.00 feet of said Lot 5, except the west 40.00 feet thereof, TOGETHER with the north 5.00 feet of said Lot 6, except the west 40.00 feet thereof.

The 10 foot utility easement as granted in Lots 2 and 3, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 2, except the north 15 feet thereof, and except the south 15.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 3, except the north 15.00 feet thereof, and except the south 15.00 feet thereof.

The 10 foot utility easement as granted in Lots 8 and 9, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the east 5.00 feet of said Lot 8, except the north 15.00 feet thereof, and except the south 15.00 feet thereof, TOGETHER with the west 5.00 feet of said Lot 9, except the north 15.00 feet thereof, and except the south 15.00 feet thereof.

The 10 foot utility easement as granted in Lots 15 and 16, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the west 5.00 feet of said Lot 15, except the south 10.00 feet thereof, TOGETHER with the east 5.00 feet of said Lot 16, except the south 10.00 feet thereof.

The 10 foot utility easement as granted in Lots 45 and 46, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 5.00 feet of said Lot 45, except the southeast 10.00 feet thereof, and except the northwest 15.00 feet thereof, TOGETHER with the northeast 5.00 feet of said Lot 46, except the southeast 10.00 feet thereof, and except the northwest 15.00 feet thereof.

The 10.00 foot utility easement as granted in Lots 11 and 12, Block B, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 5.00 feet of said Lot 11, except that part granted as drainage and utility easement in said Southern Ridge Addition, TOGETHER with the northeast 5.00 feet of said Lot 12, except that part granted as said drainage and utility easement.

The 20 foot drainage easement as granted in Lots 42 and 43, Block A, Southern Ridge Addition, Wichita, Sedgwick County, Kansas described as the southwest 10.00 feet of said Lot 42, except that part granted as drainage and utility easement in said Southern Ridge Addition TOGETHER with the northeast 10.00 feet of said Lot 43, except that part granted as said drainage and utility easement.

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 multiple 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 multiple platted easements described herein should be approved.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 13th day of January 2004, ordered that the above-described multiple 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:

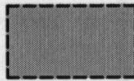
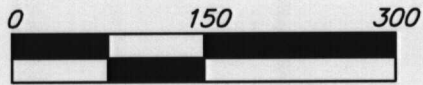


Karen Schofield
Karen Schofield, City Clerk

Carlos Mayans
Carlos Mayans, Mayor

Approved as to Form:

Gary E. Rebenstorf
Gary Rebenstorf, Director of Law



INDICATES EASEMENT
TO BE VACATED

INDICATES NEW TRACT
DESIGNATION

