

Planning Agenda # _____

**City of Wichita
City Council Meeting
September 22, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2105 REQUEST TO VACATE A PORTION OF A
PLATTED UTILITY EASEMENT LOCATED AT THE NORTHEAST CORNER
OF 21ST STREET NORTH AND ARKANSAS AVENUE.
(District #6)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning



Staff Recommendation: Approve vacation of a portion of a platted utility easement.

MAPC Recommendation: Approve vacation of a portion of a platted utility easement.
(unanimous)

Background: The applicant is requesting to vacate a portion of a platted utility easement. The existing building on-site was constructed over this utility easement, as shown on the attached site plan.

Public Works has indicated that this vacation request is acceptable. The vacation request has been reviewed and approved by the Planning Commission. No members of the public addressed the MAPC in opposition to this request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest.

Recommendations/Actions: Close the public hearing, approve the vacation; authorize the Mayor to sign the Vacation Order; and record the certified copy of the Vacation Order.

This SEP 22 1998

FILE 184,3 PAGE 0728

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

IN THE MATTER OF THE VACATION OF
A PORTION OF A PLATTED UTILITY
EASEMENT

GENERALLY LOCATED
NORTHEAST CORNER OF 21ST STREET
NORTH AND ARKANSAS AVENUE

MORE FULLY DESCRIBED BELOW

STATE OF KANSAS) ss
COUNTY OF _____) ss

Case No. V-2105

Nov 2 8 03 AM '56

BILL 2003
REGISTER OF DEEDS

Postmaster
Deputy

VACATION ORDER



NOW on this 22nd day of September, 1998, comes on for hearing the petition for vacation filed by QuikTrip Corporation, Attn: John Dix, praying for the vacation of the following described a portion of platted utility easement, to-wit:

Commencing at the NW corner of Lot 1, QuikTrip 6th Addition, Wichita, Sedgwick County, Kansas; thence N89°43'20"E along the north line of said Lot 1, 101.03 feet to an intersection with the west line of a 20 foot utility easement as platted in said Lot 1; thence S00°00'36"W along the west line of said easement, 6.00 feet for a point of beginning; thence continuing S00°00'36"W along the west line of said easement, 4.00 feet to the SW corner of said easement; thence N89°43'20"E along the south line of said easement, 20 feet to the SE corner of said easement; thence N00°00'36"E along the east line of said easement, 4.00 feet; thence S89°43'20"W parallel with the south line of said easement, 20 feet to the point of beginning.

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 Daily Reporter of notice of this one time 9-1-1998, which was at least 20 days prior to this public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of platted 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.

MICROFILMED
OF RECORD

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

8.06

Vacation Order
V - 2105

Page 2 of 2

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 a portion of platted utility easement described herein should be approved, subject to the following condition:

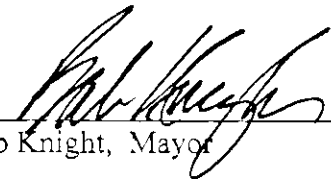
A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 22nd day of September, 1998, ordered that the above-described a portion of platted 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.

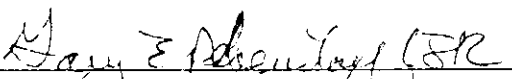
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

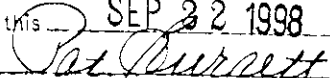
Approved as to Form:


Gary Rebenstorf, Director of Law



State of Kansas)
Sedgwick County) ss
City of Wichita)

I, Pat Burnett City Clerk of the City of Wichita, Kansas, hereby certify that the document to which this is affixed is a true and correct copy of the original on file in my office.

Given under my hand and seal of the City of Wichita, this SEP 22 1998
 City Clerk

