

Planning Agenda # _____

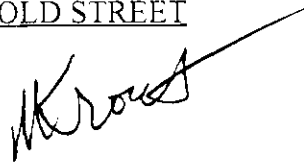
**City of Wichita
City Council Meeting
June 16, 1998**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2086 REQUEST TO VACATE A 10-FOOT WATER LINE EASEMENT AND A 30-FOOT ACCESS EASEMENT, LOCATED IN AN AREA NORTH OF 43RD STREET SOUTH AND GOLD STREET
(District #4)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of a 10-foot water line easement and a 30-foot access easement.

MAPC Recommendation: Approve vacation of a 10-foot water line easement and a 30-foot access easement. (unanimous)

Background: The applicant is proposing to vacate a 10-foot water line easement and a 30-foot access easement on Lots 4 and 5, MacArthur Beach Addition (DP-72). These two lots are currently vacant. A 100-foot strip of land separates these two lots from the Boeing Employees Association (BEA) property located east of the 100-foot strip. The 100-foot strip of land was once a railroad and is now owned by the City of Wichita. The BEA presently leases this land from the City as access to its property.

The City of Wichita has proposed to sell all of this 100-foot strip of land to the BEA. The applicant has agreed to allow the sale if the west 40 feet of the 100-foot strip will be used as a water line easement and an access, fire lane and drainage ditch maintenance easement and the easements on his property are vacated. The dedication of the 40 feet of the 100-foot strip of land for these easement purposes will be included with the expected sale of the 100-strip to the BEA.

The Metropolitan Area Planning Commission approved the Subdivision Committee recommendation that the vacation petition be approved as requested subject to the following:

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

No members of the public spoke 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.

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Approved / Accepted By City Council

This JUN 16 1998

CITY CLERK'S ORIGINAL
RETURN TO CITY CLERK

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

IN THE MATTER OF THE VACATION OF
10 FOOT WATER LINE EASEMENT AND
A 30 FOOT ACCESS EASEMENT

GENERALLY LOCATED
NORTH OF 43RD STREET SOUTH AND
GOLD STREET

MORE FULLY DESCRIBED BELOW

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) Case No. V-2086
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MICROFILMED
OF RECORD

VACATION ORDER

NOW on this 16th day of June, 1998, comes on for hearing the petition for vacation filed by MacArthur Beach Properties, praying for the vacation of the following described 10 foot water line easement and a 30 foot access easement, to-wit:

That part of a 30 foot access easement and that part of a 10 foot water line easement platted in Lots 4 and 5, Block 1, MacArthur Beach, an Addition to Wichita, Sedgwick County, Kansas, described as lying south of the north line of Lot 1, Block 1, Midland Lake Addition to Wichita, Sedgwick County, Kansas as extended west and lying east and northeast of the west end of Curve No. 7 as platted in said Lot 4.

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 May 22, 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 10 foot water line easement and a 30 foot access 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.

RETURN ABOVE

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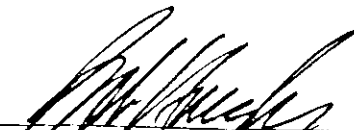
Vacation Order
V - 2086

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5. The vacation of the 10 foot water line easement and a 30 foot access easement described herein should be approved, subject to the following condition:

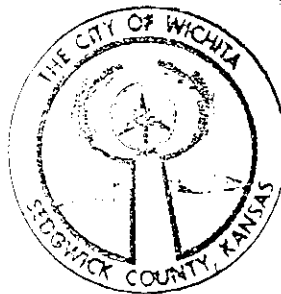
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 16th day of June, 1998, ordered that the above-described 10 foot water line easement and a 30 foot access 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.

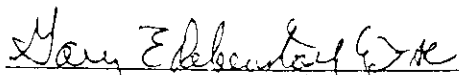

Bob Knight, Mayor

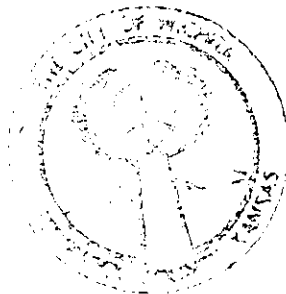
ATTEST:


Pat Burnett, City Clerk

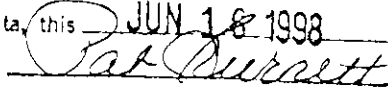


Approved as to Form:


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 orig-
inal on file in my office.

Given under my hand and seal of the City of
Wichita, this JUN 18 1998
 City Clerk

