

Planning Agenda # _____

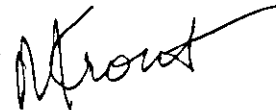
**City of Wichita
City Council Meeting
February 23, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: PUBLIC HEARING V-2143 REQUEST TO VACATE 20 FOOT
UTILITY EASEMENT AND EMERGENCY ACCESS
EASEMENT LOCATED SOUTH OF 21ST STREET NORTH
AND WEST OF RIDGE ROAD. (District V)

INITIATED BY: Metropolitan Area Planning Department



AGENDA ACTION: Planning

Staff Recommendation: Approve vacation of 20 foot utility easement and emergency access easement.

MAPC Recommendation: Approve vacation of 20 foot utility easement and emergency access easement. (unanimous)

Background: The applicant is requesting the vacation of the utility easement and emergency access easement to allow for the construction of a medical office building. The applicant has dedicated a separate emergency access easement along the east property line by separate instrument, which was accepted by the City Council on February 9th.

Public Works and the City Fire Department have reviewed and approved this request. The MAPC reviewed and approved the request. No one spoke in opposition to the request.

Legal Considerations: The City Clerk needs to certify as to proper notification and no filing of written protest. A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Close the public hearing; and approve the Vacation Order and authorize the Mayor to sign.

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

**IN THE MATTER OF THE VACATION OF
20 FOOT UTILITY EASEMENT**

**GENERALLY LOCATED
21ST STREET NORTH AND RIDGE ROAD**

MORE FULLY DESCRIBED BELOW

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) **Case No. V-2143**
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VACATION ORDER

NOW on this 23rd day of February, 1999, comes on for hearing the petition for vacation filed by Stephen A. & Judith and Medcenter Partners, L.L.C, praying for the vacation of the following described 20 foot utility easement, to-wit:

Vacation of 20 foot utility easement centered between Lots 1 and 2, Block D, Barrington Corner 2nd Addition, Wichita, Sedgwick County, Kansas. With the exception of the northern 20.00 feet of the easement and the southern most 10 feet.

Vacation of the 20 foot emergency access easement located on Lot 1, Block D, Barrington Corner 2nd 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 Daily Reporter of notice of this one time 1-29-99, 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 20 foot 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 20 foot utility easement and emergency access easement described herein should be approved, subject to the following condition:

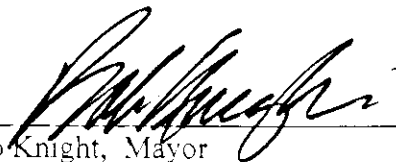
- A) Any relocation or reconstruction of any utilities made necessary by this vacation shall be the responsibility of the applicant.
- B) The vacated emergency access shall be retained as a utility easement.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 23rd day of February, 1999, ordered that the above-described 20 foot utility easement and emergency 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.

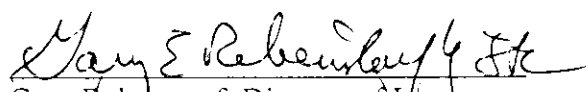
ATTEST:


Pat Burnett, City Clerk




Bob Knight, Mayor

Approved as to Form:


Gary Rebenstorf, Director of Law

